

In The Matter Of:  
***Cohen vs. World Financial Group***

---

***Jordan Destin***

October 08, 2013

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**TIFFANY ALLEY**  
**GLOBAL** REPORTING  
AND VIDEO

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

MICHAEL B. COHEN,  
individually and on  
behalf of other persons  
similarly situated who  
were employed by WORLD  
FINANCIAL GROUP, INC. CIVIL ACTION FILE  
and/or any other entities NO. 1:13-CV-1092-CAP  
affiliated with or  
controlled by WORLD  
FINANCIAL GROUP, INC.,

Plaintiff,  
vs.

WORLD FINANCIAL GROUP,  
INC. and/or other  
entities affiliated with  
or controlled by World  
Financial Group, Inc.,

Defendant.

VIDEO DEPOSITION OF JORDAN DESTIN  
October 8, 2013  
10:25 a.m.  
Buckley & Klein  
1230 Peachtree Street, N.E.  
Promenade II, Suite 900  
Atlanta, Georgia  
Valerie N. Almand, RPR, CRR, CCR-B-531  
Terry Wetz, Legal Video Specialist

Cohen vs. World Financial Group

Jordan Destin

10/08/2013

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1 APPEARANCES OF COUNSEL:

2 On behalf of the Plaintiff:

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11 -and-

12 SUZANNE LEEDS, Attorney at Law

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19 On behalf of the Defendant:

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10 Also Present: Julie Mackoff, WFG (for time noted)

11 Robert G. Brunton, WFG (for time  
12 noted)

13 Legal Video Specialist: Terry Wetz

14

15 (Pursuant to OCGA 15-14-37 (a) and (b) a  
16 written disclosure statement was submitted by the  
17 court reporter to all counsel present at the  
18 deposition and is attached hereto.)

19

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1 (Defendants' Exhibit 1, Defendants' Exhibit  
2 2, Defendants' Exhibit 3, Defendants' Exhibit 4,  
3 Defendants' Exhibit 5, Defendants' Exhibit 6,  
4 Defendants' Exhibit 7, Defendants' Exhibit 8,  
5 Defendants' Exhibit 9 and Defendants' Exhibit 10  
6 marked)

7 THE VIDEOGRAPHER: And we are on the  
8 record, the time is approximately 10:25 a.m. This  
9 is the beginning of Tape 1 of the videotaped  
10 deposition of Jordan Destin in the matter of Cohen  
11 versus World Financial Group. Today's date is  
12 October 8, 2013. My name is Terry Wetz, Legal Video  
13 Specialist.

14 Would counsel present please identify  
15 themselves and who they represent for the record.

16 MR. BLACK: Richard Black from the Littler  
17 Mendelson firm representing defendant World  
18 Financial Group.

19 MR. STRAWN: Brad Strawn from Littler  
20 Mendelson representing defendant World Financial  
21 Group.

22 MR. WOLFE: Steve Wolfe from Buckley &  
23 Klein for the plaintiffs.

24 MS. LEEDS: Suzanne Leeds from the law firm  
25 Virginia & Ambinder for the plaintiffs.



1 MR. BUCKLEY: Edward Buckley from Buckley &  
2 Klein for the plaintiffs.

3 MR. KLEIN: Daniel Klein from Buckley &  
4 Klein for the plaintiffs.

5 MR. BRUNTON: Bob Brunton, Vice-President,  
6 Chief Litigation Counsel, World Financial Group,  
7 Inc.

8 MS. MACKOFF: Julie Mackoff, Assistant  
9 General Counsel, TransAmerica.

10 THE VIDEOGRAPHER: Thank you, Counsel.

11 Would the court reporter please swear the  
12 witness.

13 JORDAN CHRISTOPHER DESTIN,  
14 having been duly sworn, was examined and testified  
15 as follows:

16 EXAMINATION

17 BY MR. BLACK:

18 Q. Good morning, Mr. Destin.

19 **A. Good morning, sir.**

20 Q. Thank you for coming today. My name is  
21 Richard Black. I am an attorney who represents the  
22 defendant in this lawsuit, World Financial Group.

23 If you would, would you please state your  
24 full name for the record.

25 **A. My full name is Jordan Christopher Destin.**

1 Q. How do you spell your last name?

2 A. Destin, D as in Delta, ES, T as in Tom, I,  
3 N as in Nancy.

4 Q. Have you ever used any other names or  
5 aliases, Mr. Destin?

6 A. No.

7 Q. And during the course of the deposition  
8 today I'll be asking you questions, and I'd like to,  
9 if it's all right with you, just to set out some  
10 ground rules at the start of the deposition, okay?

11 A. Okay.

12 Q. It's important that both of us speak out  
13 loud when giving answers. All of the words that are  
14 said today will be transcribed by the court reporter  
15 sitting to my left and your right. It's very  
16 important that if I ask you a question that you want  
17 to respond to with a yes or no answer, that you give  
18 me an audible yes or no as opposed to a nod or a  
19 shake of the head, because that can't be  
20 transcribed, okay?

21 A. Okay.

22 MR. WOLFE: Rich, can I interrupt for a one  
23 second?

24 MR. BLACK: Yes, Steve.

25 MR. WOLFE: Are we going to reserve

1 objections except to form of the question and  
2 responsiveness of the answer and privilege?

3 MR. BLACK: Yeah, I think that's right,  
4 Steve. My general practice is not to engage in long  
5 speaking objections.

6 MR. WOLFE: Mine as well.

7 MR. BLACK:

8 MR. WOLFE: Just wanted to make sure I  
9 didn't have to.

10 BY MR. BLACK:

11 Q. Mr. Destin, during the course of the  
12 deposition if I ask you a question, I'm entitled to  
13 all of your knowledge responsive to the question, so  
14 I'd ask that you provide me with all of the  
15 information you have that responds to a particular  
16 question, okay?

17 A. Yes.

18 Q. If I ask you a question during the course  
19 of the day that you don't understand, please feel  
20 free to ask for clarification. If you don't ask for  
21 clarification, I will understand that you did  
22 understand my question. Is that agreeable?

23 A. Yes.

24 Q. If at any point during the deposition you  
25 think of additional information that you did not

1 recall when I asked a question earlier, feel free to  
2 let me know that and I'm happy to return to an  
3 earlier question. I just ask that you don't do that  
4 in the middle of a pending question, okay?

5 **A. Yes.**

6 Q. If at any point during the proceedings  
7 today you need a break, just let us know. We will  
8 take some breaks during the course of the day,  
9 including I would imagine a break for lunch. I just  
10 simply again ask that if you ask for a break, don't  
11 do so during the pendency of a question, or if you  
12 do, we will wait until you've answered the question  
13 fully, okay?

14 **A. Okay.**

15 Q. Mr. Destin, are you currently taking any  
16 medications or any other substance that you believe  
17 would inhibit your ability to either understand my  
18 questions or to answer them truthfully?

19 **A. No, sir.**

20 Q. And can you think of any other reason why  
21 you may not be able to either understand my  
22 questions or answer them truthfully today?

23 **A. No, sir.**

24 Q. And you understand that you are under oath  
25 today, correct?

1           **A. Yes, sir.**

2           Q. Mr. Destin, when did you first find out  
3 that you would have your deposition taken in this  
4 case?

5           **A. When I got in touch with the law firm.**

6           Q. Okay. And what law firm are you referring  
7 to?

8           **A. I'm referring to the Binder [sic] law firm**  
9 **in New York.**

10          Q. Okay. That's Virginia & Ambinder?

11          **A. Yes, sir.**

12          Q. And you say when you first got in touch  
13 with Virginia & Ambinder you were told you would  
14 have your deposition taken?

15               MR. WOLFE: I'm just going to object.

16 Obviously he can't answer what they told him, based  
17 on privilege.

18               MR. BLACK: Understood.

19 BY MR. BLACK:

20          Q. Well, let me know: When was the first time  
21 that you were in contact with the Virginia &  
22 Ambinder law firm?

23          **A. June of 2013.**

24          Q. June of 2013?

25          **A. Yes, sir.**

1 Q. Do you remember what day in June of 2013  
2 you first made contact with Virginia & Ambinder?

3 A. I don't remember.

4 Q. Was it in the beginning of June, the middle  
5 or the end?

6 A. The end of June.

7 Q. And how did you learn of Virginia &  
8 Ambinder?

9 A. By e-mail.

10 Q. By e-mail from whom?

11 A. From them.

12 Q. You received an e-mail from Virginia &  
13 Ambinder?

14 A. Correct. It was solicitation.

15 Q. And to what e-mail address was that sent?

16 A. Jordan.Destin@Yahoo.com.

17 Q. And do you recall who the e-mail was  
18 specifically from? Was it from an individual as  
19 opposed to the law firm generally?

20 A. It was from the law firm.

21 Q. And do you still have that e-mail?

22 A. I sure do, yes, sir.

23 Q. Have you provided it to your attorneys in  
24 this lawsuit?

25 A. I didn't feel the need to.

1 Q. Do you know whether that type of document  
2 was requested by World Financial Group for you to  
3 produce?

4 A. I've been asked to provide as much document  
5 as possible, yes, sir.

6 Q. My question was: Do you know whether the  
7 e-mail solicitation that you received is among the  
8 types of documents you were asked to produce in this  
9 case?

10 MR. WOLFE: Answer the question, but don't  
11 discuss anything that lawyers said to you or you  
12 said to lawyers.

13 A. Okay. I'm sorry, repeat the question one  
14 more time.

15 BY MR. BLACK:

16 Q. Sure. My question was: Do you know  
17 whether the e-mail solicitation that you received is  
18 among the type of documents you have been asked to  
19 produce in this case?

20 A. Yes.

21 Q. Is that a yes, you understand that it was?

22 A. So I understand that yes, I've been asked  
23 to provide documents regarding that case, basically.

24 Q. Okay.

25 A. In that e-mail.

1 Q. And my question is about the e-mail  
2 solicitation.

3 A. Okay.

4 Q. Just so we're clear.

5 A. Uh-huh.

6 Q. You understand, correct, that that e-mail  
7 solicitation that you received was among the sorts  
8 of documents you were asked to provide to World  
9 Financial Group in this case, correct?

10 A. Yes, correct.

11 Q. But you have not done so.

12 A. Correct, yes.

13 MR. BLACK: Steve, obviously we'd like to  
14 receive the e-mail solicitation. I think it's  
15 responsive to document requests numbers 3 and 4 to  
16 Mr. Destin.

17 MR. WOLFE: We'll look at it.

18 MR. BLACK: Thanks.

19 BY MR. BLACK:

20 Q. All right. So returning back, you told me  
21 that you received an e-mail solicitation from the  
22 Virginia & Ambinder firm in late June; is that  
23 right?

24 A. Correct.

25 Q. And what did you do, if anything, when you



1 received that e-mail solicitation?

2           **A. I read over the e-mail, make sure it was**  
3   **legit, and I responded to the e-mail. It was either**  
4   **by phone call or by e-mail, but I -- I called them.**

5           Q. You called the law firm?

6           **A. Yes.**

7           Q. Okay.

8           MR. WOLFE: So I don't derail you, I'm  
9 going to make an objection, obviously, to him  
10 talking about the contents of anything he said to  
11 the firm or anything they said to him after that.

12           MR. BLACK: Okay.

13 BY MR. BLACK:

14           Q. Why did you call the law firm?

15           **A. To find out more about exactly what was the**  
16   **case about.**

17           Q. Were you seeking legal representation when  
18 you called them or were you asking just to find out  
19 more about the lawsuit?

20           **A. Well, actually, to be honest with you,**  
21   **both.**

22           Q. You said that you read the solicitation to  
23 make sure it was legit.

24           **A. Yes.**

25           Q. What did you do in that capacity? How did

1     you make sure it was legit?

2           **A. I looked up the firm on line, the law firm,**  
3     **just to make sure they have a U.S. address.**

4           Q. Anything else?

5           **A. I just phoned directly.**

6           Q. When you called Virginia and Ambinder who  
7     did you speak to, if anyone?

8           **A. Mr. Lloyd Ambinder.**

9           Q. How soon after receiving the e-mail  
10    solicitation did you call Mr. Ambinder?

11          **A. 48 hours, two days.**

12          Q. And for how long did you speak to  
13    Mr. Ambinder the first time you spoke to him?

14          **A. About 20 minutes.**

15          Q. Did you have any subsequent conversations  
16    with Mr. Ambinder about the lawsuit and before you  
17    filed a consent to participate in the lawsuit?

18          **A. No.**

19          Q. So you had a single call with Mr. Ambinder  
20    that lasted about 20 minutes?

21          **A. Correct.**

22          Q. And then you signed a consent to  
23    participate in the lawsuit?

24          **A. I give my deposition, and basically they**  
25    **sent me the deposition over by e-mail so I can take**

1 a look at it, make sure everything that I mentioned  
2 was right, and --

3 MR. WOLFE: Jordan, just stop for a moment.  
4 I think he misunderstood the question, but be that  
5 as it may, obviously he can't talk about what was  
6 said to him or what he said to the law firm.

7 MR. BLACK: I'm not going to ask him  
8 either.

9 MR. WOLFE: That includes e-mails.

10 BY MR. BLACK:

11 Q. You said you gave your deposition, and just  
12 so you and I have a common understanding today, the  
13 proceeding that we're engaged in today is what we  
14 commonly refer to as a deposition. It's a situation  
15 where a court reporter transcribes while I ask  
16 questions and you give me answers.

17 A. Okay.

18 Q. Did you mean to say that you provided a  
19 declaration?

20 A. Yes, sir.

21 Q. Okay.

22 A. Over the phone.

23 Q. All right. And just so I have the events  
24 correct in my mind, you received the solicitation,  
25 called Mr. Ambinder, had about a 20-minute

1 conversation.

2 **A. Yes.**

3 Q. After which you received a declaration --

4 **A. Yes.**

5 Q. -- to review.

6 **A. Okay.**

7 Q. Is that right?

8 **A. Yes.**

9 Q. And you reviewed that declaration and  
10 signed it?

11 **A. Yes.**

12 Q. Okay. When you signed that declaration did  
13 you understand you were signing it under oath?

14 **A. Yes, sir.**

15 Q. And do you recall at some point that you  
16 also signed a form to opt in or consent to join this  
17 lawsuit as a party?

18 **A. Yes, sir.**

19 Q. Was that before or after you read over and  
20 signed the declaration?

21 **A. It was after.**

22 Q. When you signed the declaration did you  
23 have any understanding of how it might be used in  
24 the lawsuit?

25 MR. WOLFE: Objection. You can answer the

1 question, Jordan, if you understood that, separate  
2 and apart from anything that you understood from  
3 talking to any of the lawyers.

4 **A. I understood the importance of it, yes.**

5 Q. And what was that?

6 **A. Well, to represent the case of the workers**  
7 **for World Financial Group.**

8 Q. When you say case of the workers, what  
9 workers are you referring to?

10 **A. I'm referring to whoever worked for that**  
11 **company that he didn't get paid.**

12 Q. Were there particular positions that you  
13 are seeking to represent?

14 **A. Well, I would represent trainee associate**  
15 **and associate of the World Financial Group company.**

16 MR. WOLFE: I'd interpose an objection  
17 there to the extent that question calls for a legal  
18 conclusion.

19 MR. BLACK: Okay.

20 BY MR. BLACK:

21 Q. Any other positions?

22 **A. I didn't know the whole -- you know, the**  
23 **whole different position of the company, so I will**  
24 **talk only from what I know and from the position I**  
25 **will be familiar of, so yes.**

1 Q. And that's trainee associate and associate?

2 A. Right.

3 Q. All right. Mr. Destin, I asked you earlier  
4 at the very start of the proceeding when you were  
5 first notified that you would have to attend your  
6 deposition in this case, and I think we may have  
7 gotten a little sidetracked because you were  
8 confusing the term deposition and declaration. So  
9 understanding that by deposition I mean today's  
10 proceeding, when did you first learn that you would  
11 need to travel to Atlanta and participate in a  
12 deposition?

13 A. About two weeks ago.

14 Q. And how did you find out?

15 A. Through the law firm, Lloyd Ambinder.

16 Q. And so about two weeks ago would put us at  
17 about the 24th of September. Does that sound about  
18 right to you?

19 A. Yes, sir.

20 Q. And before the 24th of September you had  
21 not been notified that you would need to appear for  
22 deposition, correct?

23 A. Correct.

24 Q. And during the course of the deposition  
25 today, Mr. Destin, I may show you some documents.

1           **A.   Okay.**

2           Q.   And sometimes before I do I will hand a  
3   copy to the court reporter, she will mark it as an  
4   exhibit, and then I will say something to you like:  
5   Mr. Destin, I'm showing you what has been marked as  
6   exhibit, and I'll say a number.

7           **A.   Okay.**

8           Q.   And when I give them to you I may ask you  
9   some questions about them.

10          **A.   Okay.**

11          Q.   Before you came in the room I asked the  
12   court reporter to premark some documents, so I'd  
13   like to show you some documents now, if I can, okay?

14          **A.   Okay.**

15          Q.   Mr. Destin, I am showing you what has been  
16   marked as Deposition Exhibit 1. And this is a  
17   notice of deposition to Jordan Destin dated, if you  
18   look at page 3, on August 21st. And this originally  
19   set your deposition for October 1st of 2013.

20               My question is simple: Have you ever seen  
21   this document before today?

22          **A.   No, sir.**

23          Q.   Mr. Destin, I want to show you another  
24   document. This document has been marked as  
25   Deposition Exhibit Number 2. And my question about

1 this document is the same as the last. Can you tell  
2 me if you've ever seen this document before today?  
3 This is a deposition notice dated September 11th.  
4 That date is on the third page, also noticing your  
5 deposition for Tuesday, October 1st. Have you ever  
6 seen this document before today?

7 **A. No, sir.**

8 Q. And lastly, I want to show you what's been  
9 marked as Exhibit Number 3, Mr. Destin. This is the  
10 Second Amended Notice of Deposition of Jordan  
11 Destin. This document is dated September 26th.

12 **A. Okay.**

13 Q. And sets the date of your deposition for  
14 today, Tuesday, October 8th. Before today had you  
15 ever seen this document?

16 **A. No, sir.**

17 Q. Have you ever had your deposition taken in  
18 any other proceeding, Mr. Destin?

19 **A. No.**

20 Q. Have you ever offered testimony under oath  
21 in a court of law?

22 **A. No, sir.**

23 Q. Or in any arbitration proceeding?

24 **A. No, sir.**

25 Q. Before agreeing to participate in this



1 lawsuit had you ever been a party to any other  
2 lawsuit, either as a plaintiff or as a defendant?

3 **A. No, sir.**

4 Q. Have you ever participated in any sort of  
5 class action or putative collection action under the  
6 Fair Labor Standards Act?

7 **A. No.**

8 Q. Do I understand your testimony correctly to  
9 be that you've never been sued by anyone?

10 **A. Correct, sir.**

11 Q. And have you ever declared bankruptcy?

12 **A. No, sir.**

13 Q. Have you ever been arrested?

14 **A. No, sir.**

15 Q. Mr. Destin, what is your date of birth?

16 **A. REDACTED 1989.**

17 Q. And where were you born?

18 **A. Orleans, France.**

19 Q. And for how long between your birth -- for  
20 how long after your birth did you reside in France?

21 **A. Until 17 years of age.**

22 Q. And you are currently 24.

23 **A. Correct. I moved to the United States, I**  
24 **was 18.**

25 Q. All right. And help me, my math is not

1 triggering this early. What year did you come to  
2 the U.S.?

3 A. 2008.

4 Q. 2008.

5 A. Yes.

6 Q. Where do you currently reside?

7 A. Las Vegas, Nevada.

8 Q. Can you give me your current address?

9 A. Of course, REDACTED 89031, Las  
10 Vegas, Nevada.

11 Q. And for how long did you lived at that  
12 address?

13 A. About two years.

14 MR. WOLFE: I should have said this, but  
15 the portions of the transcript with his e-mail and  
16 personal address, we'd like those designated  
17 confidential.

18 MR. BLACK: I understand. I think there's  
19 a procedure in the protective order that designates  
20 it after the fact.

21 MR. WOLFE: Okay, sorry.

22 MR. BLACK: Not a problem.

23 BY MR. BLACK:

24 Q. You said for about two years?

25 A. Yes.

1 Q. All right. And do you own or rent that  
2 property?

3 A. I own it.

4 Q. Is that a property that you've had on the  
5 market at some point in the last year or two?

6 A. Yes.

7 Q. Do you still own it, though?

8 A. Yes.

9 Q. Is it still on the market?

10 A. Yes.

11 Q. And where did you reside before you resided  
12 at REDACTED ?

13 A. I resided REDACTED North  
14 Las Vegas.

15 Q. And for how long did you reside at that  
16 address?

17 A. About -- I'm just trying to come back --  
18 about a year.

19 Q. Did you own or rent that property?

20 A. I rented.

21 Q. And so between sometime in 2011 and the  
22 present you've lived at the REDACTED address,  
23 and the year prior to that you lived at the REDAC  
24 REDACTED address.

25 A. Yes.

1 Q. Are there any other addresses at which you  
2 have resided in Las Vegas?

3 A. Yes, I lived six months, it was a condo,  
4 I'm sorry, I can't recall the address off the top of  
5 my head. I was there six months, and I was in  
6 between REDACTED

7 Q. Was it REDACTED ?

8 A. No, that's another property I own.

9 Q. Okay. And was it REDACTED  
10 REDACTED ?

11 A. That's another property I own, but I never  
12 lived there.

13 Q. When did you purchase the REDACTED  
14 REDACTED address?

15 A. July 2012.

16 Q. When did you purchase the REDACTED  
17 address?

18 A. November 2012.

19 Q. Are you renting those properties currently?

20 A. Yes.

21 Q. Are there any other properties that you  
22 own --

23 A. No.

24 Q. -- besides the REDACTED address?

25 A. No, sir.

1 Q. And did any of the prior questions refresh  
2 your recollection about the address at which you  
3 resided between REDACTED ?

4 A. I can't recall the address.

5 Q. You still can't recall the address?

6 A. Yeah, yeah, the -- I didn't stay there long  
7 enough to remember.

8 Q. It was still in Las Vegas?

9 A. It was still in Las Vegas, yes.

10 Q. At some point you lived in New York; is  
11 that right?

12 A. Yes, sir.

13 Q. When you first came to the United States  
14 where did you reside?

15 A. I lived in Orlando, Florida.

16 Q. And for how long did you live in Orlando?

17 A. About three months.

18 Q. Where did you move after that?

19 A. I moved to New York.

20 Q. New York City?

21 A. New York City, yes.

22 Q. And for how long did you live in New York  
23 City?

24 A. I lived in New York City for about a year.

25 Q. And where did you move after you lived in

1 New York City?

2 **A. I moved to Australia, Sidney.**

3 Q. You lived in Melbourne?

4 **A. Yes, Melbourne and Sidney, correct.**

5 Q. And you went to school in Australia?

6 **A. I did go to school, yes.**

7 Q. Where did you go to school in Australia?

8 **A. I went to Brighton University.**

9 Q. How long?

10 **A. I went there for six months.**

11 Q. Did you earn a degree?

12 **A. Associate degree.**

13 Q. After that six months did you move back to  
14 the United States?

15 **A. Yes, I -- I was in Australia for a year.**

16 Q. Okay.

17 **A. Six months in Sidney, six months in  
18 Melbourne, and then I moved back to the United  
19 States, Las Vegas, Nevada.**

20 Q. What prompted your move to Australia?

21 **A. I'm sorry?**

22 Q. What prompted your move to Australia?

23 **A. What do you mean?**

24 Q. What was the reason for moving to  
25 Australia?

1           **A. I needed a change.**

2           Q. And then after your year in Australia you  
3 returned and then you moved to Las Vegas?

4           **A. Correct.**

5           Q. Where you have been since.

6           **A. Yes.**

7           Q. Mr. Destin, how many different e-mail  
8 addresses do you have?

9           **A. As far as today? One.**

10          Q. What is that e-mail address?

11          **A. Jordan.Destin@Yahoo.com.**

12          Q. At one time did you have an e-mail address  
13 JordanDestin@gmail.com?

14          **A. Yes, sir.**

15          Q. Do you no longer have that e-mail address?

16          **A. I no longer have that e-mail address.**

17          Q. Is it that you no longer use it or you have  
18 taken steps to eliminate the address?

19          **A. I took steps to eliminate the e-mail**  
20 **address.**

21          Q. That is, you contacting Google and asked to  
22 have it eliminated?

23          **A. Yes, sir.**

24          Q. When did you do that?

25          **A. About two years ago.**

1 Q. So in the 2011 timeframe?

2 A. Yes.

3 Q. Was it early, late 2011, do you recall?

4 A. Late 2011.

5 Q. What prompted you to contact Google to ask  
6 to have that e-mail address eliminated?

7 A. Oh, I just deleted it.

8 Q. Was that before or after your association  
9 with World Financial Group?

10 A. It was after my association with World  
11 Financial Group.

12 Q. Do you recall whether at any time you  
13 utilized that e-mail address in connection with  
14 World Financial Group --

15 A. Yes.

16 Q. -- in any way?

17 A. I recall I used my personal e-mail address,  
18 so it was gmail.

19 Q. If I understand correctly, during -- we're  
20 going to talk much more, in much more detail about  
21 your association with World Financial Group. As I  
22 understand it, during the time that you were  
23 associated with World Financial Group you used your  
24 personal e-mail, that is JordanDestin@gmail.com.

25 A. Yes, sir.



1 Q. But after you stopped your association with  
2 World Financial Group you took steps to have that  
3 e-mail account eliminated, correct?

4 A. Yes, sir.

5 Q. When you had it eliminated did you take any  
6 steps to preserve any of the e-mails that were a  
7 part of that account, either e-mails you had  
8 received or sent?

9 A. No, sir.

10 Q. Since the time that you became an opt-in  
11 plaintiff in this lawsuit have you done anything to  
12 contact Google to see if any of those e-mails are  
13 recoverable still?

14 A. Yes, sir.

15 Q. You have.

16 A. Uh-huh.

17 Q. When did you do that?

18 A. About last week.

19 Q. How did you go about contacting Google?

20 A. By e-mail.

21 Q. Do you remember, was there a particular  
22 person at Google that you contacted?

23 A. No, it's just the regular service, when you  
24 go into your gmail services you can try to recover  
25 an e-mail address. But if it's been too long, they

1     **just don't recover it.**

2           Q. And so your testimony is that last week you  
3     tried to recover your original Google mail or gmail  
4     address. Did you receive any response from Google?

5           **A. No, they just told me directly, We can't**  
6     **recover anything.**

7           Q. So you did receive a response.

8           **A. Yes.**

9           Q. The response was, We can't recover it.

10          **A. Correct, yes.**

11          Q. After receiving that message from Google  
12     did you take any other steps to see if there was the  
13     possibility of trying to recover it?

14          **A. No.**

15          Q. Did you -- at the same time that you had  
16     that gmail address you also had the  
17     JordanDestin@Yahoo.com address, correct?

18          **A. Yes, sir.**

19          Q. Was there ever any occasions when you may  
20     have communicated between those two addresses or  
21     communicated in a way where you copied the other  
22     address?

23          **A. I don't recall.**

24          Q. The response that you received from Google,  
25     how was that communicated to you?

1           **A. Directly from the website.**

2           Q. Did you receive an e-mail from them?

3           **A. No, it was not an e-mail, it was directly**  
4 **from the website. When you try to log in and you**  
5 **try to enter your information to recover your e-mail**  
6 **address they told me directly my account has been**  
7 **deleted and it's no longer recoverable.**

8           Q. I understand that you received that message  
9 directly from the website. When you tried to find  
10 out about recovering the e-mail did you take any  
11 steps to try to contact anyone particular at Google  
12 to see if you could recover that information?

13           **A. No, sir, I did not.**

14           Q. The JordanDestin@Yahoo.com address, did you  
15 ever use that during the time that you were  
16 associated with World Financial Group for anything  
17 related to World Financial Group?

18           **A. No, sir.**

19           Q. Since the time that you have joined this  
20 lawsuit as an opt-in plaintiff have you taken steps  
21 to check your Jordan Destin@Yahoo.com address to see  
22 if there were any e-mails relating to World  
23 Financial Group?

24           **A. Yes, sir.**

25           Q. How did you go about doing that?

1           **A. Keyword, and history of e-mail, sent**  
2   **e-mail.**

3           Q. What keyword or keywords do you use?

4           **A. World Financial Group.**

5           Q. Others? Any others?

6           **A. Financial product.**

7           Q. Any others?

8           **A. No, sir.**

9           Q. Did you conduct any key word searches using  
10 the names of anyone with whom you might have been  
11 associated while you were associated with World  
12 Financial Group?

13          **A. I did look up names.**

14          Q. What names did you look up?

15          **A. Aline, A-L-I-N-E, Laura, L-A-U-R-A,**  
16 **Christian, Jennifer.**

17          Q. Any others?

18          **A. No.**

19          Q. And it is your testimony today that despite  
20 those key word searches you did not find any e-mail  
21 at all that related to your association with World  
22 Financial Group?

23          **A. Yes, sir.**

24          Q. Besides the two e-mail addresses that we've  
25 talked about, are there any other e-mail addresses

1 that you have had in the last three years?

2 **A. I had a Jordan.Destin@aol.com.**

3 Q. When did you have that address?

4 **A. I can't recall. 2010, it would be.**

5 Q. Did you ever use that address for anything  
6 related to World Financial Group?

7 **A. I do not recall, sir.**

8 Q. Maybe that you did and you can't recall, or  
9 you do not recall doing so?

10 **A. Maybe I did and I cannot recall.**

11 Q. With regard to that account, have you done  
12 anything to search that e-mail account to see if you  
13 have any e-mails related to World Financial Group?

14 **A. I didn't contact AOL, no.**

15 Q. And did you try to access that e-mail  
16 account online to see if it was still accessible?

17 **A. It's no longer accessible.**

18 Q. In the last -- since July of this year when  
19 you opted into this lawsuit have you tried to access  
20 it for the specific purpose of trying to locate any  
21 e-mails related to World Financial Group?

22 **A. I tried to log in to see if the e-mail was  
23 still valid, and it's no longer valid.**

24 Q. But you didn't contact AOL in the same way  
25 that you contacted Google.

1           **A. No, sir.**

2           Q. Why not?

3           **A. I didn't just go into it any further with**  
4   **AOL.**

5           Q. Mr. Destin, during the time that you were  
6   associated with World Financial Group did you have a  
7   personal computer?

8           **A. Yes, sir.**

9           Q. And what type of personal computer was  
10   that?

11          **A. It was Toshiba.**

12          Q. Was that a desktop or a laptop?

13          **A. It was a laptop.**

14          Q. Do you still have that laptop?

15          **A. No, sir.**

16          Q. Do you remember when you acquired that  
17   laptop?

18          **A. When I was required the laptop?**

19          Q. When did you acquire it?

20          **A. Oh, 2009.**

21          Q. And when did you cease to have that laptop?

22          **A. 2011.**

23          Q. Do you recall when in 2011 that you  
24   discarded that laptop?

25          **A. I would say mid 2011, August, July.**

1 Q. When you discarded that laptop did you save  
2 the hard drive?

3 A. Yes, sir.

4 Q. Do you still have the hard drive?

5 A. I kept informations, yes.

6 Q. The Toshiba laptop that you discarded for  
7 which you kept the hard drive, is that the computer  
8 through which you would have conducted -- strike  
9 that.

10 The Toshiba laptop that we're talking  
11 about, is that the computer that you would have used  
12 to have accessed the three e-mail accounts we've  
13 been discussing, that is the AOL account, the gmail  
14 account and the Yahoo account?

15 A. Primarily, yes.

16 Q. You said primarily. Were there other  
17 computers that you used to access those accounts?

18 A. My teammate computer.

19 Q. When you say your teammate, who are you  
20 referring to?

21 A. It could be Aline, it could be  
22 Ms. Jennifer, Christian as well.

23 Q. These are all individuals whom you have  
24 said had some association with World Financial Group  
25 as well?

1           **A. Correct.**

2           Q. You mentioned Laura earlier too. Might you  
3 have used her computer?

4           **A. No.**

5           Q. So just Aline, Jennifer and Christian?

6           **A. Yes, sir.**

7           Q. With regard to the hard drive that we just  
8 talked about a minute ago, as I understand you still  
9 have possession of the hard drive?

10          **A. I still have the file and documents like**  
11 **pictures, music, whatever was on that Toshiba, it**  
12 **got transferred to my external hard drive, so yes.**

13          Q. When did you transfer that?

14          **A. Before I sell the computer.**

15          Q. And when you transferred it did you  
16 transfer the contents of the entire hard drive?

17          **A. I transferred everything I could keep.**

18          Q. Did you transfer e-mail files when you did  
19 that?

20          **A. No, sir.**

21          Q. When you say you transferred it, you  
22 transferred it to what?

23          **A. External hard drive.**

24          Q. What type of external hard drive?

25          **A. It's called Passport hard drive, one**



1     **gigabyte.**

2           Q.   And you still have that?

3           **A.   Yes, sir.**

4           Q.   Since July of 2013 when you became an  
5   opt-in plaintiff in this case have you done anything  
6   to search the contents of that Passport hard drive,  
7   external hard drive, to see if there's any  
8   information on there related to World Financial  
9   Group?

10          **A.   Yes, sir.**

11          Q.   When did you do that?

12          **A.   It was -- I've done it within the last few**  
13 **weeks.   It was in August, September.**

14          Q.   And walk me through what you did to search  
15   that external hard drive for documents related to  
16   World Financial Group.

17          **A.   So key words mainly, such as World**  
18 **Financial Group, scanned document.   Any information**  
19 **relevant to the case, I was looking for.**

20          Q.   When you say key words, did you search for  
21   the same key words you identified earlier or were  
22   there any --

23          **A.   Yes, sir.**

24          Q.   -- different ones that you used?

25          **A.   No.**

1 Q. The same key words?

2 A. Yes.

3 Q. Did you specifically search for e-mail on  
4 that --

5 A. Yes, sir.

6 Q. -- Passport hard drive?

7 A. Yes, sir.

8 Q. Did you find any e-mail at all?

9 A. No.

10 Q. You said that you had discarded the -- or I  
11 guess sold the Toshiba laptop in the middle of 2011?

12 A. Yes, sir.

13 Q. Did you obtain a new computer when you did  
14 that?

15 A. Not right away, but yes, I did obtain a  
16 computer.

17 Q. When did you obtain a computer?

18 A. About two months later.

19 Q. Do you recall when that was?

20 A. September 2011.

21 Q. What type of computer was that?

22 A. I bought a -- an HP.

23 Q. Is that a desktop or a laptop?

24 A. A laptop, sir.

25 Q. Do you still have that?

1           **A. No, sir.**

2           Q. For how long did you have that HP laptop?

3           **A. About six months.**

4           Q. And did the -- during the time you had the  
5 HP laptop did that overlap at all with the time that  
6 you were associated with World Financial Group?

7           **A. No, sir.**

8           Q. Tell me when your relationship with World  
9 Financial Group terminated.

10          **A. June 2011.**

11          Q. And so you didn't acquire the HP laptop  
12 until after that?

13          **A. Yes, sir.**

14          Q. Did you transfer any of the files from the  
15 Toshiba laptop onto the HP laptop?

16          **A. Yes, the document I was able to save such  
17 as pictures, music, photos, I transferred to my new  
18 computer.**

19          Q. This is the information from your Passport  
20 hard drive?

21          **A. Yes, sir.**

22          Q. Was that Passport hard drive the only hard  
23 drive that you used to pull information off of the  
24 Toshiba laptop?

25          **A. Yes, sir.**

1 Q. And do you have a -- do you currently have  
2 a computer?

3 A. No.

4 Q. You have no computer at all?

5 A. Well, I have a computer, but it's not --  
6 that's not mine.

7 Q. Okay. What do you mean by that?

8 A. It's my wife's computer.

9 Q. Do you use that computer?

10 A. Yeah, I do.

11 Q. Since the time that you joined this lawsuit  
12 as an opt-in plaintiff in July of 2013 have you  
13 searched that computer for any information or  
14 documents relating to your association with World  
15 Financial Group?

16 A. Yes, sir.

17 Q. And did you find anything?

18 A. No, sir.

19 Q. Do you have a home phone number?

20 A. No.

21 Q. Did you have a home phone number at the  
22 time that you were associated with World Financial  
23 Group?

24 A. No, sir.

25 Q. And when I say home phone number I mean --

1 I think maybe you've interpreted that as a land  
2 line.

3 **A. Correct.**

4 Q. So if I understand correctly, dating back  
5 to the time before you were associated with World  
6 Financial Group through the present, you've not had  
7 a land line.

8 **A. Yes, sir, correct.**

9 Q. You've only had a cell phone?

10 **A. Yes, sir.**

11 Q. And as I understand it, you've identified  
12 to us the cell phone that you had during the time  
13 that you were associated with World Financial Group  
14 was a telephone for which the service provider was  
15 Cricket; is that right?

16 **A. Yes, sir.**

17 Q. Do you recall what kind of phone that was?

18 **A. Standard phone. I can't recall the brand,**  
19 **no, I can't even recall the brand, to be honest with**  
20 **you.**

21 Q. And was that the only phone that you had  
22 during the time period that you were associated with  
23 World Financial Group?

24 **A. That would be the only phone I had, yes,**  
25 **sir.**

1 Q. And I've asked you a number of questions  
2 today with regard to the period during which you  
3 were associated with World Financial Group, and let  
4 me just make sure we set that out at the onset.

5 Do you recall that you signed an Associate  
6 Membership Agreement in early October of 2010.

7 **A. I did sign paperwork.**

8 Q. Do you recall the date?

9 **A. I can't recall the date, sir.**

10 (Plaintiffs' Exhibit 13 marked)

11 BY MR. BLACK:

12 Q. Mr. Destin, I'm just showing you what's  
13 been marked as Exhibit 13. And I will represent to  
14 you that this is a copy of an Associate Membership  
15 Agreement. And if you flip -- let me mention one  
16 thing to you. On some of the documents that I'll  
17 show you today you will note that there are some --  
18 there's a numbering system on some of these.

19 **A. Okay.**

20 Q. Those are documents that World Financial  
21 Group has produced as part of this litigation.

22 **A. Okay.**

23 Q. If you look in the bottom right-hand corner  
24 on this very first page of the document you'll see a  
25 reference to WFG\_001503. Do you see that?

1           **A. Yes, sir.**

2           Q. That's what we refer to as a Bates number.

3           **A. Okay.**

4           Q. So during the course of the deposition if I  
5 show you a document that has been produced by World  
6 Financial Group, I may refer you to those Bates  
7 numbers. It allows us to allow you to quickly refer  
8 to a page of a document, okay?

9           **A. Okay.**

10          Q. If you would, would you turn to the Bates  
11 number WFG\_001521, please. And if you look at that  
12 page, does that reflect your electronic signature  
13 and a date of October 9th, 2010?

14          **A. It's my name.**

15          Q. Okay. Do you recall signing an Associate  
16 Membership Agreement, electronically or otherwise?

17          **A. I do not recall, sir.**

18          Q. You may have, you just don't recall?

19          **A. Correct.**

20          Q. That is your name, though, correct?

21          **A. Yes, yes.**

22          Q. Take a look also, if you will, at page  
23 WFG\_001515. And here there is another electronic  
24 signature above the line print name. That is, in  
25 fact, your name, correct?

1           **A. Correct.**

2           Q. And above signature, that is your name?

3           **A. Yes, sir.**

4           Q. And the date here is October 9th of 2010,  
5 correct?

6           **A. Correct.**

7           Q. And as I understand it, Mr. Destin, you're  
8 not testifying that you didn't enter into an  
9 associate management agreement, you just don't  
10 recall?

11          **A. Yes, sir, correct.**

12          Q. Does this document help refresh your  
13 recollection at all as to the timeframe during which  
14 you were associated with World Financial Group?

15          **A. It does bring back information, yes.**

16          Q. All right. And is it the case that your  
17 association with World Financial Group began in or  
18 about October of 2010?

19          **A. It started actually in September of 2010.**

20          Q. All right. Despite the fact that this  
21 agreement is dated October.

22          **A. Yes, sir, correct.**

23          Q. And how did you become associated with  
24 World Financial Group in September of 2010?

25          **A. Well, I responded to an on-line posting for**



1     **a job position in marketing.**

2           Q.   Where was that posted?

3           **A.   On Craig's List.**

4           Q.   Do you recall who had made that posting?

5           **A.   Yes.**

6           Q.   Who?

7           **A.   Aline.**

8           Q.   And what is Aline's last name?

9           **A.   B-A-L-A.**

10          Q.   And Aline had, as I understand it, put what  
11   you understood to be a job posting on Craig's List?

12          **A.   Yes, sir.**

13          Q.   From marketing?

14          **A.   Yes, sir.**

15          Q.   And you responded to that?

16          **A.   Yes, sir.**

17          Q.   And when you responded to that did you  
18   respond directly to Aline?

19          **A.   I sent an e-mail out to the person who  
20   wrote the post, so yes.**

21          Q.   You learned at that point that that was  
22   Aline?

23          **A.   Yes.**

24          Q.   Do you have any information, Mr. Destin, to  
25   suggest that World Financial Group corporate had

1 posted that Craig's List ad?

2 **A. The name World Financial Group wasn't**  
3 **mentioned.**

4 Q. The name World Financial Group wasn't even  
5 mentioned.

6 **A. It wasn't even mentioned.**

7 Q. And so my question was: Do you have any  
8 information to suggest that World Financial Group,  
9 the corporate entity, had posted that Craig's List  
10 ad?

11 **A. No, sir.**

12 Q. When you got in touch with Aline did she  
13 tell you that World Financial Group, the corporate  
14 entity, had posted that Craig's List ad?

15 **A. No, sir.**

16 Q. Did anyone ever tell you that World  
17 Financial Group, the corporate entity, had posted  
18 that Craig's List ad?

19 **A. I can't recall, but no.**

20 Q. When you responded to that ad did you speak  
21 to anyone at World Financial Group corporate?

22 **A. Corporate?**

23 Q. Yes.

24 **A. No, sir.**

25 Q. Have you ever spoken to anyone at World

1 Financial Group corporate?

2 **A. Can you define corporate for me?**

3 Q. Sure. Do you understand that World

4 Financial Group is a company?

5 **A. Of course.**

6 Q. Do you understand that World Financial

7 Group's headquarters is located in Georgia?

8 **A. Yes, sir.**

9 Q. It's located in Johns Creek, Georgia?

10 **A. Yes, sir.**

11 Q. And that company has corporate officers and  
12 employees?

13 **A. Uh-huh.**

14 Q. My question to you is: Have you ever  
15 spoken to any corporate officers or employees of  
16 World Financial Group?

17 **A. Yes, sir.**

18 MR. WOLFE: Objection, calls for a legal  
19 conclusion.

20 BY MR. BLACK:

21 Q. To whom did you speak?

22 **A. I spoke to the lady who's in charge of the  
23 maintenance of the website to reset your password  
24 and user name.**

25 Q. Do you remember her name?

1           **A. I don't know, sir.**

2           Q. Aside from the lady in charge of  
3 maintenance of the World Financial Group website,  
4 have you spoken to anyone else at World Financial  
5 Group corporate?

6           **A. Corporate, no, sir.**

7           Q. All right. The lady in charge of  
8 maintenance of the website, what was the purpose of  
9 your interaction with her?

10          **A. When I was logged out from my account on**  
11 **World Financial Group, I was actually -- I had to**  
12 **call her and reset the password and reset all the**  
13 **information to be able to log back in.**

14          Q. And was that the sole purpose of your call?

15          **A. Yes, sir.**

16          Q. Was she able to help you with that?

17          **A. Yes, sir.**

18          Q. Was there only one call to her or were  
19 there multiple calls?

20          **A. There was only one call.**

21          Q. And during -- how long did that call last?

22          **A. 15 minutes.**

23          Q. During that 15-minute call did the -- and  
24 I'm calling her this simply because we don't have a  
25 name -- did the lady in charge of maintenance of the

1 World Financial Group website provide any  
2 instruction to you on how you were to function in  
3 your capacity as an associate with World Financial  
4 Group?

5 **A. No, sir.**

6 Q. Did she provide any instruction on any  
7 duties that you were to undertake?

8 **A. No, sir.**

9 Q. Have you ever had an e-mail communication  
10 with anyone at World Financial Group corporate?

11 **A. I received a welcome e-mail.**

12 Q. And I think you produced that e-mail,  
13 correct?

14 **A. Yes, sir.**

15 Q. Aside from that e-mail have you had any  
16 e-mail correspondence with anyone at World Financial  
17 Group corporate?

18 **A. No, sir.**

19 Q. And we'll take a look at that e-mail, but  
20 as I recall that e-mail simply welcomed you to World  
21 Financial Group as an independent contractor,  
22 correct?

23 **A. It was a welcome e-mail, correct.**

24 Q. And did that e-mail provide any direction  
25 or instruction to you on how you were to carry out

1 any responsibilities or duties during your  
2 association with World Financial Group?

3 **A. Not that e-mail, no.**

4 Q. And you didn't have any other e-mail  
5 communications, correct?

6 **A. No, sir.**

7 Q. And you had no telephone communications  
8 other than the one 15-minute call with the lady who  
9 maintains the World Financial Group website,  
10 correct?

11 **A. With corporate?**

12 Q. Correct.

13 **A. Yes, sir. That was the only phone call.**

14 Q. All of your other communications relating  
15 to World Financial Group were with individuals  
16 located in Las Vegas?

17 **A. In Las Vegas and California, sir.**

18 Q. Who in California did you interact with?

19 **A. Ms. Laura Chang and Mr. Don Chang, husband  
20 and wife.**

21 Q. And how were they affiliated with World  
22 Financial Group, if you know?

23 **A. They were my CEO of marketing.**

24 Q. Did you say CEO?

25 **A. CEO marketing supervising, if I can recall**

1     **the title, CEO marketing.**

2           Q. Other than that, other than Laura and Don,  
3     pardon me, did you have any communications with  
4     anyone associated with World Financial Group outside  
5     of Las Vegas?

6           **A. Outside of Las Vegas, no.**

7           Q. If you would, please take a look at page  
8     WFG\_001506 of this document that I have before you,  
9     which is Exhibit Number -- I should have said this  
10    at the start. This has been marked as Exhibit  
11    Number 13.

12          **A. Okay.**

13          Q. The reason that it's been marked 13, it's a  
14    bit out of order from the first three that I've  
15    shown you, is we had some marked prior to the  
16    deposition, but I wanted to show you this to try and  
17    help your recollection. So this will be marked 13,  
18    and the next time I show you a document we may go  
19    back to 4. I just don't want to confuse you.

20          **A. Okay. No problem.**

21          Q. So this document, WFG\_001506, there's  
22    information here regarding you, some personal  
23    information, correct?

24          **A. Yes, sir.**

25          Q. Do you recall providing personal

1 information to World Financial Group?

2 **A. Yes, sir.**

3 Q. Do you recall completing this profile?

4 **A. Yes, sir.**

5 Q. And this is a part of the Associate  
6 Membership Agreement, correct?

7 **A. Yes, sir.**

8 Q. And I asked you earlier whether you had  
9 completed an Associate Membership Agreement. Does  
10 this help refresh your recollection at all as to  
11 whether you, in fact, completed an Associate  
12 Membership Agreement?

13 **A. Yes.**

14 Q. Do you recall in addition to completing an  
15 Associate Membership Agreement you also paid an  
16 amount of \$100 to become a member of World Financial  
17 Group?

18 **A. Yes, sir.**

19 Q. And you paid that amount after you  
20 responded to the Craig's List ad that was posted by  
21 Aline, correct?

22 **A. It took about three weeks.**

23 Q. You understood that to become associated  
24 with World Financial Group you would have to  
25 complete the Associate Membership Agreement and



1 submit the payment of \$100; is that right?

2 **A. Yes.**

3 Q. And you did that.

4 **A. Yes.**

5 Q. At the time that you entered into the  
6 associate management agreement, membership  
7 agreement, would you have read the document before  
8 you signed it?

9 **A. I read the document.**

10 Q. Did you understand it?

11 **A. Not the whole content, but yes.**

12 Q. Did you seek out any clarification of parts  
13 that you didn't understand?

14 **A. I did.**

15 Q. You did?

16 **A. Uh-huh.**

17 Q. From whom?

18 **A. From whoever was above me, so people in my  
19 team.**

20 Q. Do you recall specifically who it was that  
21 you sought out information about parts of the  
22 Associate Membership Agreement that you wanted  
23 clarification for?

24 **A. The person was named Christian.**

25 Q. Is that Christian Nga?

1           **A. Yes, N-G-A.**

2           Q. Now, who was the individual associated with  
3 World Financial Group who recruited you to become a  
4 member of World Financial Group?

5           **A. Aline.**

6           Q. It was Aline.

7           **A. Yes, sir.**

8           Q. But you sought out information from  
9 Christian with regard to the Associate Membership  
10 Agreement?

11          **A. Yes.**

12          Q. Do you recall specifically what you asked  
13 Christian about in this agreement?

14          **A. Well, I wanted to know what was the company**  
15 **exactly about.**

16          Q. What did Christian tell you?

17          **A. Well, basically he told me that you're a**  
18 **financial advisor, and you sell product, financial**  
19 **product. You recruit people, and you're under the**  
20 **World Financial Group business.**

21          Q. I'm sorry, what was the last thing?

22          **A. You're under the World Financial Group**  
23 **umbrella, so you're under the company name.**

24          Q. And Christian told you that you were a  
25 financial advisor?

1           **A. Yes.**

2           Q. Did you understand that in order to sell  
3 any securities or financial products you needed to  
4 become licensed?

5           **A. I didn't know at the time.**

6           Q. Did Christian lead you to believe that you  
7 could sell financial services products or securities  
8 without a license?

9           **A. He told me it was possible to join the**  
10 **company, regardless of having your license or not.**

11          Q. That is, it was possible to become a member  
12 of World Financial Group, whether you were licensed  
13 or not?

14          **A. Yes, sir.**

15          Q. Why did you join World Financial Group?

16          **A. I was interested in the marketing side of**  
17 **it, and I wanted to get to know more about the**  
18 **company itself.**

19          Q. And you understood that by becoming a  
20 member you could learn more about the company?

21          **A. Yes.**

22          Q. Did you understand that by becoming a  
23 member you could possibly at some point become  
24 licensed and sell securities?

25          **A. Yes.**

1 Q. Did you understand that by becoming a  
2 member at some point you might be able to become  
3 licensed and to sell insurance products?

4 A. Well, yes.

5 Q. And did you understand that whether you  
6 became licensed or not is entirely up to you?

7 A. No.

8 Q. You did not?

9 A. I did know it was only up to me.

10 Q. What did you think?

11 A. Well, the company, what I've been told was  
12 the company would help you -- provide you all the  
13 tools, provide you everything you need for you to be  
14 licensed.

15 Q. When you say the company would provide  
16 tools, who told you that?

17 A. The same people I worked with.

18 Q. That is Aline?

19 A. Aline, Christian.

20 Q. Christian.

21 A. Uh-huh. People I would refer to.

22 Q. I just want to make sure that when we refer  
23 to this we're referring to a complete list. So  
24 Aline, Christian, you mentioned Jennifer.

25 A. Jennifer, she was another associate.

1 Q. What did you understand Aline's role to be  
2 with World Financial Group?

3 A. I wasn't quite sure in the beginning, but  
4 she talked me through it, and she basically wanted  
5 me to join as soon as possible. It was really pushy  
6 at the beginning.

7 Q. She pushed you hard to join?

8 A. Her and the other people too.

9 Q. Did you understand what her role was; that  
10 is, was she also an associate?

11 A. I didn't know what title she had at the  
12 beginning.

13 Q. Did you come to understand what her title  
14 was eventually?

15 A. Yes.

16 Q. What was her title?

17 A. Associate.

18 Q. And Christian, did you come to understand  
19 that he was an associate?

20 A. I came to an understanding that he was a  
21 marketing agent, a senior marketing.

22 Q. Senior marketing director?

23 A. Yes, sir, senior marketing director.

24 Q. And Jennifer, did you come to an  
25 understanding of what her role was?

1           **A. An associate.**

2           Q. Are you familiar with the term upline?

3           **A. No, sir.**

4           Q. The individual who recruited you was Aline,  
5 correct?

6           **A. Yes, sir.**

7           Q. Did you have an understanding of who  
8 recruited her?

9           **A. Yes, sir.**

10          Q. Who was that?

11          **A. Christian.**

12          Q. Did you have an understanding of who  
13 recruited Jennifer?

14          **A. I'm not sure.**

15          Q. Did you have an understanding of who  
16 recruited Christian?

17          **A. Yes, his name Stefan.**

18          Q. Do you remember his last name?

19          **A. M-U-S-S-A.**

20          Q. Stefan Mussa?

21          **A. Yes.**

22          Q. Do you have any understanding what his role  
23 was?

24          **A. Not clearly, not clearly.**

25          Q. At the time that you signed the Associate

1 Membership Agreement and became a member of World  
2 Financial Group did any of Aline, Christian or  
3 Jennifer tell you that by signing the agreement you  
4 were becoming an employee of World Financial Group?

5 **A. No. I've just been told I will join the**  
6 **company.**

7 Q. But no one told you you were becoming an  
8 employee, correct?

9 **A. I don't recall.**

10 Q. You have been an employee of other  
11 companies, correct?

12 **A. Yes, sir.**

13 Q. You were an employee of Macy's.

14 **A. Yes, sir.**

15 Q. You were an employee of Abercrombie &  
16 Fitch.

17 **A. Yes, sir.**

18 Q. You're currently an employee of Expedia.

19 **A. Yes, sir.**

20 Q. At the time that you became associated with  
21 those companies were you required to fill out  
22 certain federal paperwork for tax purposes that one  
23 would fill out as an employee?

24 **A. Yes, sir.**

25 Q. Were you asked to fill out that information

1 for World Financial Group?

2 **A. I don't remember.**

3 Q. You can't recall one way or the other?

4 **A. I don't remember, I don't.**

5 Q. We talked earlier about whether you  
6 understood you could sell securities or financial  
7 products.

8 **A. Uh-huh.**

9 Q. Was it your understanding that the sales of  
10 securities and insurance was through entities other  
11 than World Financial Group?

12 **A. Well, we talked me through it that World  
13 Financial Group was actually the middle man, and  
14 that we had vendors. We were representing, you  
15 know, products, and we were basically trying to sell  
16 those products, like TransAmerica, World Life.**

17 Q. But the products were not from World  
18 Financial Group, correct?

19 **A. But they were represented by World  
20 Financial Group.**

21 Q. Understood. But you said there was a third  
22 party, correct?

23 **A. It was a third party, correct.**

24 Q. If you would, take a look at page WFG  
25 001510. And I want to direct your attention to the



1 second paragraph on this page. Do you see the  
2 language where it says, quote, Whereas, the  
3 Associate desires to become a member of WFG's  
4 independent sales force (hereinafter referred to as  
5 "World Financial Group" and further defined herein)  
6 which will be composed of a group of independent  
7 contractors ("members") who enter into agreements  
8 with WFG pursuant to which they become authorized to  
9 engage in the business of selling products including  
10 insurance and other financial Products and Services,  
11 as defined herein offered by WFG, end quote, and it  
12 goes further.

13 Do you see that paragraph?

14 **A. No, I'm sorry, actually.**

15 Q. It's the second paragraph right there.

16 **A. Oh, there you go. Okay.**

17 Q. And what I just read into the record were  
18 the first three and a half lines.

19 **A. Okay.**

20 Q. And my question to you is: At the time you  
21 signed this did you understand that by joining World  
22 Financial Group you were becoming -- you were  
23 essentially joining an independent sales force?

24 MR. WOLFE: Objection.

25 **A. No, I didn't know.**

1 Q. Did you talk to either Christian or Aline  
2 about what your role was with World Financial Group?

3 A. Well, they told me what to do.

4 Q. Okay.

5 A. And how to do things.

6 Q. Okay. So they told you what to do and how  
7 to do things?

8 A. Correct.

9 Q. Do you have any information to suggest or  
10 to demonstrate that anyone from World Financial  
11 Group corporate, whether a corporate officer or  
12 employee, was providing information instructing you  
13 on what to do?

14 A. I can -- yeah, I could provide you  
15 information.

16 Q. What evidence do you have of that?

17 A. I mean, the knowledge I got about the  
18 product, the sales technique that World Financial  
19 Group was asking their workers to apply and the  
20 recruiting part as well, you know.

21 Q. And as I understand it, unless I  
22 misunderstood your testimony, you've only had one  
23 communication with anyone associated with World  
24 Financial Group corporate, and that was with the  
25 woman who maintains the website, correct?

1           **A. Correct, yes.**

2           Q. All of your other communications were with  
3 Aline and Christian and Jennifer, the folks that you  
4 referred to as your teammates, correct?

5           **A. Yeah, correct, and people representing the**  
6 **brand.**

7           Q. And my question to you is: As you sit here  
8 today can you identify for me any WFG corporate  
9 officer or employee who instructed those individuals  
10 to provide instructions to you about the work that  
11 you should do?

12          **A. No.**

13          Q. Take a look at the next page, WFG\_001511.  
14 And I want to direct your attention to the paragraph  
15 that is letter C, okay. And you testified that you  
16 had reviewed this and understood it or, to the  
17 extent you didn't understand it, sought  
18 clarification from Christian, correct?

19          **A. Correct.**

20          Q. Paragraph C says, quote, as a member of WFG  
21 the associate is not an employee of WFG. Instead,  
22 the associate's relationship with WFG is that of an  
23 independent contractor.

24               Do you see that?

25          **A. I do see that.**

1 Q. Okay. Was there anything about that  
2 statement that you didn't understand when you signed  
3 this agreement?

4 MR. WOLFE: Objection.

5 A. I don't even know what an independent  
6 contractor would be.

7 Q. This made clear to you, however, that you  
8 were not an employee of World Financial Group,  
9 correct?

10 MR. WOLFE: Objection.

11 A. It wasn't really clear to me, no.

12 Q. Is there -- what is unclear about the  
13 sentence that reads, quote, As a member of WFG the  
14 associate is not an employee of WFG, end quote?

15 MR. WOLFE: Objection.

16 A. Well, it says I'm an independent  
17 contractor, and I don't even know what an  
18 independent contractor would be.

19 Q. Right. But I'm focusing on this first  
20 sentence. My question to you is: Tell me what is  
21 unclear about a sentence that reads, quote, As a  
22 member of WFG the associate is not an employee of  
23 WFG.

24 MR. WOLFE: Objection.

25 A. I don't know.

1 Q. As you sit here today and read that  
2 sentence, does that not make clear to you that by  
3 the terms of this agreement you were not an employee  
4 of WFG?

5 MR. WOLFE: Objection.

6 A. Even if I read it today, still doesn't make  
7 it clear, because the work I provided for this  
8 company, I was definitely an employee.

9 Q. Well, you say you were definitely an  
10 employee. Why is that?

11 A. Because I was required to show up at work  
12 every day. I had to follow a certain sales  
13 technique for the guidelines of the company. From  
14 my understanding an independent contractor is not --  
15 that's not what a person is supposed to be doing.  
16 An independent contractor is a company that -- is a  
17 person that actually own his own business, correct?  
18 So I did not own my own business.

19 Q. A moment ago you testified that you didn't  
20 know what an independent contractor is.

21 A. Right. At the time, yeah.

22 Q. Oh, you now have an understanding about  
23 this?

24 A. Yeah.

25 Q. How have you gained that understanding?

1           **A. I looked it up on line to see information.**

2           Q. What did you look up on line?

3           **A. Well, the meaning of an independent**  
4   **contractor, and I am myself as of today an**  
5   **independent contractor too.**

6           Q. In what business? Your real estate  
7 business?

8           **A. Yes, sir.**

9           Q. That's Destin & Lucas?

10          **A. Yes, sir.**

11          Q. And what website did you go to to look up  
12 what an independent contractor is?

13          **A. Dictionary.**

14          Q. And what is your understanding of what an  
15 independent contractor is?

16          **A. Is a person that owns his own business, his**  
17   **own product, his own tools, his own client.**  
18   **Basically a person that is able to run his own**  
19   **business on his own.**

20          Q. Anything else?

21          **A. The person that's able to run his own**  
22   **business without the say of somebody above.**

23          Q. Anything else?

24          **A. That would be it.**

25          Q. You mentioned that you believed you were an

1 employee because you were required to show up to  
2 work.

3 A. Yes, sir.

4 Q. Who required you to show up to work?

5 A. Christian.

6 Q. Anyone else?

7 A. Mr. Don Chang.

8 Q. Anyone else?

9 A. Aline.

10 Q. Anyone else?

11 A. Stefan.

12 Q. Anyone else?

13 A. Whoever important, more important was in  
14 the office, you know. They were always referring to  
15 us being at the office, on time, attend the team  
16 meetings.

17 Q. The group that you just mentioned,  
18 Christian, Don, Aline and Stefan, those were the  
19 individuals who required you to show up to work?

20 A. Yeah.

21 Q. And by that, you mean show up to the  
22 office?

23 A. Yes, sir.

24 Q. And I asked you earlier if you knew what  
25 their roles were and you told me that they had

1 different titles, I think. All of them were  
2 associates except for Christian who you identified  
3 as a senior marketing director?

4 **A. Yes, sir.**

5 Q. And Stefan, as I understand it, as I  
6 understand it, Stefan recruited him?

7 **A. I believe so.**

8 Q. You mentioned Don Chang, correct?

9 **A. Yes.**

10 Q. And you say Don Chang was one of the  
11 individuals who required you to show up?

12 **A. Yes.**

13 Q. When did Mr. Chang tell you to show up to  
14 the office?

15 **A. Whenever we had a presentation, so whenever**  
16 **Mr. Don Chang was coming in town, he was really**  
17 **specific about the importance of being in the**  
18 **office, you know, because that's the major part of**  
19 **the day where you spent your day basically and where**  
20 **you do, you know, cold calling. So whenever he was**  
21 **in town he was requiring his team to be present at**  
22 **work, over the phone too.**

23 Q. Do you know if Don Chang was an employee of  
24 World Financial Group?

25 **MR. WOLFE: Objection.**



1           **A. I don't know.**

2           Q. Do you know if Christian is an employee of  
3 World Financial Group?

4           MR. WOLFE: Objection.

5           **A. Yes.**

6           Q. You do?

7           **A. Yes.**

8           Q. You know that he's an employee of World  
9 Financial Group?

10          **A. I know that he's representing World**  
11 **Financial Group for sure.**

12          Q. I didn't ask you that. My question is: Do  
13 you know that Christian is an employee of World  
14 Financial Group?

15          **A. I don't know.**

16          Q. Did Don Chang ever tell you that he was an  
17 employee of World Financial Group?

18          **A. I don't recall.**

19          Q. Did Christian ever tell you that he was an  
20 employee of World Financial Group?

21          **A. I don't recall.**

22          Q. When you say you don't recall, you don't  
23 recall Christian ever telling you that?

24          **A. Right, I don't recall that.**

25          Q. Do you recall Aline ever telling you that

1 she was an employee of World Financial Group?

2 **A. No, sir.**

3 Q. Do you recall Jennifer ever telling you  
4 that she was an employee of World Financial Group?

5 **A. No.**

6 Q. And has any individual who's either a  
7 corporate officer or employee of World Financial  
8 Group corporate ever instructed you to show up at  
9 the office --

10 MR. WOLFE: Objection.

11 BY MR. BLACK:

12 Q. -- or to attend any meetings?

13 **A. I don't know.**

14 Q. You only had a single interaction with  
15 anyone from World Financial Group corporate,  
16 correct?

17 **A. Yes, correct.**

18 Q. Earlier you referred to teammates, and I  
19 think you referred to Christian and Jennifer and  
20 Aline. Would you also consider Don Chang one of  
21 your teammates?

22 **A. I would consider him as my -- the biggest**  
23 **supervisor I could talk to.**

24 Q. Okay. Do you know if Mr. Chang had anybody  
25 above him in his World Financial Group hierarchy?

1           **A. I wouldn't know.**

2           Q. During the time that you were associated  
3 with World Financial Group did you ever hear the  
4 term hierarchy to refer to any group within World  
5 Financial Group?

6           **A. No, sir.**

7           Q. And you've never heard the term upline?

8           **A. No, sir.**

9           Q. Did you ever recruit anybody to join World  
10 Financial Group?

11          **A. Yes, sir.**

12          Q. Who?

13          **A. His name is Thibaud, T-H-I-B-A-U-D.**

14          Q. Thibaud Lucas?

15          **A. Yes, sir.**

16          Q. Anyone else?

17          **A. That would be all.**

18          Q. How did you recruit Thibaud Lucas?

19          **A. I gave him the sales speech and the**  
20 **recruiting part, and I told him that it was a great**  
21 **company to work for.**

22          Q. When did you recruit Thibaud Lucas?

23          **A. It was in 2010, so I would say late 2010,**  
24 **around December.**

25          Q. It was within a month or so of when you

1     yourself became affiliated with World Financial  
2     Group, correct?

3           **A. Yes, sir.**

4           Q. And when you recruited Mr. Lucas did you  
5     tell him that he would be employed by World  
6     Financial Group?

7           **A. I did not tell him that he would be**  
8     **employed by World Financial Group.**

9           Q. What did you tell him his role would be?

10          **A. Well, I told him that he would be**  
11     **representing the company and the sales product as**  
12     **well, and his role would probably be a financial**  
13     **advisor, as much as I thought I was.**

14          Q. Just so I'm clear, you thought you were a  
15     financial advisor?

16          **A. Yes, sir.**

17          Q. When you became a member of World Financial  
18     Group and understood that you were a financial  
19     advisor did you do anything to undertake -- strike  
20     that.

21                 When you became affiliated with World  
22     Financial Group and thought you were a financial  
23     advisor did you do anything to research whether  
24     there were any federal regulatory requirements  
25     around providing financial advice as a financial

1 advisor?

2 **A. No, sir.**

3 Q. Did you do anything to determine whether  
4 you needed to be licensed?

5 **A. Well, I did go to class.**

6 Q. My question was: Did you do anything to  
7 find out whether you had to become licensed to  
8 become a financial advisor?

9 **A. No, sir.**

10 Q. And did Mr. Lucas sign an Associate  
11 Membership Agreement?

12 **A. I believe so.**

13 Q. And for how long was Mr. Lucas affiliated  
14 with World Financial Group?

15 **A. Nothing longer than I was, so maybe less  
16 than a year.**

17 Q. Now, you have earlier today indicated that  
18 your affiliation with World Financial Group ended in  
19 or about June of 2011; is that right?

20 **A. Yes, sir.**

21 Q. How did that end?

22 **A. I just -- well, I couldn't keep working for  
23 them anymore because I never got paid, first of all,  
24 and also because I could not manage both of my job  
25 together.**

1 Q. You were also working at Abercrombie &  
2 Fitch?

3 A. Correct.

4 Q. And you said because you hadn't been paid?

5 A. Yes, sir.

6 Q. When you became a member of World Financial  
7 Group did any of Aline, Christian, Jennifer or any  
8 other teammate that you may have had told you that  
9 you would be paid on either an hourly or salaried  
10 basis?

11 A. No, I don't recall.

12 Q. Did you have an understanding that you  
13 would be paid on either an hourly or a salaried  
14 basis?

15 A. Well, as I was required to be at a certain  
16 place at a certain time every day of the week, I was  
17 expecting then yes, I will definitely get paid for  
18 that.

19 Q. So when you became affiliated with World  
20 Financial Group you thought you were going to  
21 receive either a salary or an hourly wage?

22 A. Right, because when I replied to the  
23 position it was an actual job position.

24 Q. Did the posting that you responded to list  
25 a salary or hourly rate?

1           **A. No, sir.**

2           Q. And you contacted Aline with regard to that  
3 position, correct?

4           **A. Yes, sir.**

5           Q. When you contacted her did she promise you  
6 either an hourly rate or a salary?

7           **A. No.**

8           Q. Did you ask her whether you would receive  
9 an hourly rate or a salary?

10          **A. I don't recall that.**

11          Q. After you became affiliated with World  
12 Financial Group and did not receive an hourly rate  
13 or a salary did you complain to any of Christian or  
14 Aline or Jennifer that you were not receiving an  
15 hourly rate or a salary?

16          **A. I did talk to my supervisor about that,**  
17 **yes.**

18          Q. Who are you referring to as your  
19 supervisor?

20          **A. Christian.**

21          Q. You spoke to Christian about the fact that  
22 you were not receiving either an hourly rate or a  
23 salary?

24          **A. Yes, sir.**

25          Q. And what did Christian tell you?

1           **A. He told me that's the way it works at World**  
2   **Financial Group.**

3           Q. He told you that you do not earn a salary  
4   or an hourly rate if you are a member of World  
5   Financial Group.

6           **A. He told me that the most of the money you**  
7   **could make would be on the product you sell and the**  
8   **people you recruit.**

9           Q. And did you understand that unless you were  
10   licensed you could not sell products, therefore  
11   could not earn a commission on those products?

12          **A. I didn't know that.**

13          Q. You didn't know that at the time.

14          **A. That's correct.**

15          Q. Did you learn that later?

16          **A. Yes, sir.**

17          Q. Did you learn that from Christian?

18          **A. I learned that from other people in the**  
19   **offices.**

20          Q. When did you learn that, and by "that," I  
21   mean relative to your having joined World Financial  
22   Group, signed up as a member. When after you signed  
23   up did you learn that?

24          **A. About a month and a half, I'd say, two**  
25   **months.**



1           Q. So you joined in, I think you say that your  
2     affiliation started in September, the document  
3     indicates that -- and when I say document I'm  
4     referring to the AMA -- has a date of October. But  
5     it would have been sometime before the end of 2010  
6     that you learned that the only way that you could  
7     earn a commission in connection with your membership  
8     with World Financial Group was to become licensed to  
9     sell either securities or insurance products, and  
10    then to receive a commission based on those sales,  
11    correct?

12           A. Yes.

13           Q. You continued to be affiliated with World  
14    Financial Group for another seven -- six, seven  
15    months after that, until June of 2011, correct?

16           A. Yes, sir.

17           Q. Why did you remain affiliated with World  
18    Financial Group if you learned in late 2010 that you  
19    were not going to be earning either an hourly rate  
20    or a salary?

21           A. Because I've been told everything I would  
22    be selling, I will get -- basically get the  
23    commission out of it and get paid for the product I  
24    sold, even if I'm not licensed yet, I could still  
25    apparently sell the product and get the name of

1     **another associate on it. So the person above me,**  
2     **basically.**

3           Q. So the person above you told you that you  
4     could get a commission even if you weren't licensed.

5           **A. Well, they told me that once I get my**  
6     **license then I will get my commission paid.**

7           Q. I see. But you understood that until you  
8     were licensed you would not be paid either an hourly  
9     rate, a salary, or a commission, correct?

10          **A. That's what I learned after, yes.**

11          Q. All right. And you continued your  
12     affiliation with World Financial Group in hopes that  
13     you would become licensed?

14          **A. Yes.**

15          Q. Did you ever become licensed?

16          **A. No, sir.**

17          Q. When you first became a member of World  
18     Financial Group and were an associate did you have a  
19     discussion with anyone associated with World  
20     Financial Group about whether you would receive  
21     weekly or monthly compensation on a regular basis?

22          **A. No, I don't remember that.**

23          Q. If you would, take a look at the next page,  
24     WFG\_001512, please. And I'm looking at the section  
25     Roman numeral III titled Associate's Compensation,

1 and letter A says, quote, the associate acknowledges  
2 and understand that the associate earns income only  
3 from the sale of the products and services and no  
4 income is earned by or paid to associate for  
5 recruiting period. The associate's sole  
6 compensation under and during the term of this  
7 agreement shall be commissions paid by, or caused to  
8 be paid by, WFG pursuant to this agreement and paid  
9 in the manner provided in, and subject to the terms  
10 and conditions contained therein, those associate  
11 agreement guidelines and commission schedules which  
12 are published by World Financial Group from time to  
13 time, period end quote. Did you see that?

14 **A. Yes, sir.**

15 Q. Was there anything you didn't understand  
16 about that when you signed this agreement and became  
17 a member of World Financial Group?

18 MR. WOLFE: Objection.

19 **A. No, I don't remember reading this part.**

20 Q. Mr. Destin, awhile back we were talking  
21 about, believe it or not, your cell phone.

22 **A. Okay.**

23 Q. I want to return to that, if I can.

24 **A. Uh-huh.**

25 Q. The phone that you had when you were

1 associated with World Financial Group, that is the  
2 phone that you had through Cricket?

3 **A. Yes, sir.**

4 Q. For how long did you have that phone? Did  
5 it span the entire period when you were associated  
6 with World Financial Group or was it only part of  
7 the time?

8 **A. I definitely kept the same phone number**  
9 **from the beginning until the end.**

10 Q. What's that phone number?

11 **A. I can't recall the number, sir.**

12 Q. Do you have a different phone number now?

13 **A. Yes, sir.**

14 Q. And when you say you kept the same phone  
15 number, for example I've had the same phone number  
16 for many years but have changed providers.

17 **A. Yeah.**

18 Q. Is it the case that you kept the same phone  
19 number and the same provider throughout the entire  
20 time that you were associated with World Financial  
21 Group?

22 **A. No, sir. Well, hold on, let me rephrase**  
23 **that. During the time I was at World Financial**  
24 **Group I did not change phone number, I did not**  
25 **change provider.**

1 Q. Okay. So between roughly September of 2010  
2 and June of 2011 you had your phone service with  
3 Cricket the entire time.

4 A. Yes, sir.

5 Q. The phone that you had with Cricket, do you  
6 recall when you discarded it?

7 A. No, I don't.

8 Q. Was that in the last year? Was it prior to  
9 that?

10 A. I have my new phone number since August of  
11 2012, so it's been about a year and two months.

12 Q. The phone that you had, what did you do  
13 with it when you got your new phone?

14 A. I just stopped it.

15 Q. Do you still have the phone?

16 A. No.

17 Q. You hesitated there. Are you sure that you  
18 don't have it still?

19 A. I -- no, it was not -- it was a basic  
20 phone, so I threw it away.

21 Q. Do you recall when you threw it away?

22 A. No, I don't recall that, sir.

23 Q. Before you threw it away did you have any  
24 of the information from that phone transferred to a  
25 new phone?

1           **A. Beside my contact, I mean, the most**  
2   **important contacts, that would be all.**

3           Q. So you had your contacts transferred from  
4   your Cricket phone to your new phone?

5           **A. Uh-huh. Well, I did manually, so yes, I**  
6   **kept contacts.**

7           Q. And this new phone you referred to that you  
8   got in August 2012, is it the phone you still have?

9           **A. Yes, sir.**

10          Q. During the time that you were associated  
11   with World Financial Group did you use your cell  
12   phone to make any calls that related to your  
13   association with World Financial Group?

14          **A. Yes, sir.**

15          Q. What kind of calls?

16          **A. Phone calls to customer, potential**  
17   **customer. Phone calls to potential recruits, phone**  
18   **calls to my marketing director, to my recruiter. It**  
19   **was my main phone, so I was using this phone for**  
20   **personal use and workwise too, businesswise.**

21          Q. And you would use that phone for that  
22   purpose both when you were at what you've described  
23   as the office in Las Vegas and when you were at  
24   home?

25          **A. Yes, sir.**

1 Q. And just to be clear, the activities that  
2 you talked about earlier, that is marketing  
3 financial services products, attempting to sell  
4 financial services products, that's something that  
5 you did at home as well using your cell phone?

6 A. Yes, sir.

7 Q. And something you would also do via your  
8 cell phone from the road, that is maybe you weren't  
9 either at the office or at home?

10 A. Right.

11 Q. The time that you were in the, what you've  
12 described as the office, was that time largely spent  
13 on meetings or was it spent making telephone calls?

14 A. A lot of meetings, a lot of telephone  
15 calls, a lot of one-on-one.

16 Q. You say a lot of one-on-one.

17 A. Yes.

18 Q. Was that one-on-one -- tell me what you  
19 mean by one-on-one.

20 A. So one-on-one with customers, and as well  
21 with recruits, because one doesn't go without the  
22 other.

23 Q. That is you were both trying to sell  
24 something to individuals and try to recruit them to  
25 join World Financial Group at the same time?

1           **A. Correct, sir.**

2           Q. Now, to the extent that you were calling  
3 someone with a World Financial Group product and  
4 recruit them to join World Financial Group, you  
5 understood that you were trying to have them become  
6 employees of World Financial Group or to become  
7 members of World Financial Group?

8           MR. WOLFE: Objection.

9           **A. I didn't know the difference.**

10          Q. Did you understand that to the extent that  
11 you could recruit others to join World Financial  
12 Group that that might inure to your financial  
13 benefit down the road?

14          **A. That was the whole purpose of it.**

15          Q. What did you understand that benefit to be?

16          **A. Well, the benefit is bigger the team is,**  
17 **more job you can have to supervise the team, maybe**  
18 **less sales to make, but basically recruiting as many**  
19 **people, as much people as possible, was goal number**  
20 **one.**

21          Q. You understood that if you had -- were able  
22 to recruit individuals who then were below you, that  
23 to the extent they became licensed and sold  
24 products, whether it be securities or insurance, you  
25 may derive some financial benefit from that?



1           **A. Yes, sir.**

2           Q. And did you actively try to recruit people?

3           **A. Yes, sir.**

4           Q. When you recreated people what, if  
5 anything, did you tell them about how they might be  
6 compensated?

7           **A. We did talked about it, because it will be**  
8 **a main question that people would ask.**

9           Q. What did you tell them?

10          **A. That it would be later on commission based.**

11          Q. Did you tell them -- strike that.

12                 How soon after you became associated with  
13 World Financial Group did you start recruiting  
14 people?

15          **A. As soon as possible.**

16          Q. So within days of becoming affiliated?

17          **A. Right. Well, at least within the first**  
18 **month, yes.**

19          Q. All right.

20          **A. Because we have what we call the 3/3/30,**  
21 **which is three sales, three recruit, within 30 days,**  
22 **for you to move up from trainee associate to regular**  
23 **associate.**

24          Q. And who told you about that? Was it your  
25 teammates in Las Vegas?

1           **A. Everyone.**

2           Q. When you say everyone.

3           **A. I mean, let me clarify that, the people**  
4           **that I will work with, they will explain me that is**  
5           **the main goal when you first start to join the**  
6           **company.**

7           Q. And when you were recruiting individuals to  
8           join World Financial Group did you represent to them  
9           that they would receive an hourly wage or a salary?

10          **A. It was not part of the sales speech.**

11          Q. In fact, you didn't tell anyone that,  
12          correct?

13          **A. Correct.**

14          Q. The cell phone that you had via Cricket,  
15          did you use it to text at all?

16          **A. I don't know.**

17          Q. Do you recall whether you used any texting  
18          abilities to -- strike that.

19                 Do you recall whether you sent or received  
20          any texts that related to your association with  
21          World Financial Group?

22          **A. Yes, sir.**

23          Q. You did.

24          **A. Yes.**

25          Q. With whom did you text?

1           A.   So it will be the clients, people  
2   interested in -- to meeting with me, potential  
3   recruits, people that would like to join the  
4   company, and as well with whoever I worked with.

5           Q.   At any point since you've joined the  
6   lawsuit in July of 2013 have you contacted Cricket  
7   to see whether the text messages or the  
8   identification of any calls that you made are  
9   recoverable?

10          A.   I did contact them, yes.

11          Q.   When did you contact Cricket?

12          A.   That was around July 2013.

13          Q.   July 2013 was right as you joined the case,  
14   correct?

15          A.   Right, July -- during the late summer,  
16   yeah, summertime 2013.

17          Q.   And who at Cricket did you contact?

18          A.   I just went into the store directly.

19          Q.   And did you speak to someone?

20          A.   Yes.

21          Q.   What did you ask them?

22          A.   I asked them if it was possible to recover  
23   information from my cell phone that I no longer  
24   have.

25          Q.   What prompted you to do that?

1           **A. What do you mean?**

2           Q. What prompted you to go to Cricket in July  
3 of 2013 and ask whether it was possible to recover  
4 information from your Cricket cell phone?

5           **A. Well, I was trying to get as many**  
6 **information as possible.**

7           Q. As much information as possible about what?

8           **A. World Financial Group.**

9           Q. Were you asked to do that?

10          **A. Well, I asked to recover as many**  
11 **information as possible.**

12          Q. And this was in July of 2013?

13          **A. It was this summer, yes, so late July.**

14          Q. And what did Cricket tell you?

15          **A. That it was not recoverable.**

16          Q. And you went to a store front, correct?

17          **A. Yes.**

18          Q. Did you ever contact Cricket at the  
19 corporate level to -- or corporate customer service  
20 to see whether you could recover any information  
21 from a prior cell phone?

22          **A. No, sir, I did not try to do that.**

23          Q. Do you maintain any personal websites or  
24 blogs, Mr. Destin?

25          **A. No.**

1 Q. Have you ever?

2 A. Are you referring to social network?

3 Q. I'm not, I just mean any private website --

4 A. No, sir.

5 Q. -- or any blog website.

6 A. No, sir. I had a business website for my  
7 company currently, but I no longer have it.

8 Q. Was that for Destin & Lucas?

9 A. Yes, sir.

10 Q. But you no longer have a website for  
11 Destin & Lucas?

12 A. Yes, I need to reinstate the website again.

13 Q. When did the website fail to function?

14 A. June 2013.

15 Q. And you simply haven't updated it?

16 A. Yes, correct.

17 Q. Other than the Destin & Lucas website are  
18 there any other websites, either a personal or a  
19 business nature, that you have or have maintained?

20 A. No, sir.

21 Q. You do use social media, correct?

22 A. Yes.

23 Q. You have a Facebook page?

24 A. Yes, sir.

25 Q. Your Facebook handle is Frenchie From

1 Vegas; is that right?

2 **A. That would be me.**

3 Q. Do you maintain a MySpace page?

4 **A. No.**

5 Q. Do you have a Twitter account?

6 **A. No, I don't have a Twitter account.**

7 Q. You have a LinkedIn profile?

8 **A. I used to have one.**

9 Q. How long ago did you -- well, when did you  
10 have a LinkedIn account?

11 **A. I had a LinkedIn account last year when I**  
12 **put myself in business.**

13 Q. Okay.

14 **A. Actually, it was -- it was last year.**

15 Q. You created a LinkedIn page.

16 **A. Yes, sir.**

17 Q. And affiliated yourself on that page with  
18 Destin & Lucas?

19 **A. Yes, sir.**

20 Q. For how long have you had your Facebook  
21 account?

22 **A. About four years now.**

23 Q. So you had the Facebook account while you  
24 were affiliated with World Financial Group?

25 **A. Yes, sir.**

1 Q. Did you use your Facebook account in any  
2 way in connection with your association with World  
3 Financial Group, that is either to locate or recruit  
4 individuals --

5 A. No, sir.

6 Q. -- who may be customers?

7 A. No, sir.

8 Q. So your testimony is that your Facebook  
9 account has always been entirely separate and  
10 distinct from anything having to do with World  
11 Financial Group.

12 A. Because it is personal matter, yes.

13 Q. Are you Facebook friends with any person  
14 that -- with whom you had an association through  
15 World Financial Group?

16 A. Yes.

17 Q. With whom?

18 A. Aline.

19 Q. Anyone else?

20 A. That's it.

21 Q. For how long have you been friends with  
22 Aline on Facebook?

23 A. Since I started at World Financial Group,  
24 so -- it's going to be about three years now.

25 MR. WOLFE: Rich, before you launch into

1 the next big topic, it's around noon and I ate  
2 early, which means I'm going to be grouchy. When we  
3 get to a convenient stopping point.

4 MR. BLACK: If we can go off the record.

5 THE VIDEOGRAPHER: Stand by, please. We're  
6 off the record, the time is 12:00.

7 (Off-the-record discussion)

8 (Mr. Brunton exits)

9 THE VIDEOGRAPHER: And we're back on the  
10 record, the time is 12:01.

11 BY MR. BLACK:

12 Q. Are you friends on Facebook with anyone who  
13 you recruited as a customer or as a member of World  
14 Financial Group?

15 A. Yes, sir.

16 Q. Whom?

17 A. Thibaud.

18 Q. Thibaud Lucas?

19 A. Yes, sir.

20 Q. Anyone else besides Mr. Lucas?

21 A. That's it.

22 Q. During the last three or four years,  
23 Mr. Destin, have you been a member of any local  
24 associations, whether it be business groups or  
25 religious groups?



1           **A. No, sir.**

2           Q. You haven't belonged to a church or a  
3 synagogue or mosque or anything like that?

4           **A. No, sir.**

5           Q. And you've not belonged to any social clubs  
6 or social organizations?

7           **A. No, sir.**

8           Q. Any business groups having to do with  
9 either real estate or any other type of business?

10          **A. No, sir.**

11          Q. We talked earlier about your HP laptop.  
12 What kind of computer do you currently have, if any?  
13 You mentioned that it was your wife's computer.

14          **A. Right, right. It is currently a Gateway.**

15          Q. Gateway?

16          **A. Gateway, I'm sorry.**

17          Q. Is it a laptop?

18          **A. Yes.**

19          Q. Have you searched that laptop for any  
20 information relating to World Financial Group?

21          **A. Yes, sir, I did.**

22          Q. Did you find anything?

23          **A. Nothing. Well, I'm sorry, if I can just**  
24 **interrupt pretty quick. I was able to recover my**  
25 **tax return.**

1 Q. A tax return?

2 A. Yes, a tax return.

3 Q. Which tax return are you referring to?

4 A. The year I worked at World Financial Group,  
5 which was 2000 -- well, yep, the return for 2011.

6 Q. All right. And that tax return, as I  
7 recall, I know you produced that, that tax return  
8 doesn't have any information from World Financial  
9 Group on it, correct?

10 A. Correct.

11 Q. So it doesn't necessarily relate to World  
12 Financial Group, but you located that document using  
13 that computer in connection with this lawsuit, is  
14 that your testimony?

15 A. Yes.

16 Q. The phone that you currently have, is it a  
17 smart phone?

18 A. It is a smart phone, yes.

19 Q. What kind of phone is it?

20 A. It's a Samsung Galaxy S3.

21 Q. And you've had that since August 2012?

22 A. Yes, sir.

23 Q. I understand that you've had it since  
24 August 2012. Have you used it for anything related  
25 to your association with World Financial Group? And

1 before you answer, I am not asking you to reveal any  
2 communications that you may have had with your  
3 lawyers about World Financial Group.

4 **A. No, sir.**

5 Q. At any point in the last three years,  
6 Mr. Destin, have you maintained a diary?

7 **A. No, sir.**

8 Q. Electronic or paper?

9 **A. (Shakes head negatively.)**

10 Q. Have you maintained a journal of any sort?

11 **A. No, sir.**

12 Q. Have you maintained a calendar of any sort?

13 **A. No, sir.**

14 Q. During the timeframe when you had an  
15 association with World Financial Group did you  
16 maintain any kind of electronic calendar, either on  
17 a phone or on a computer?

18 **A. It was definitely a calendar, yes.**

19 Q. You did.

20 **A. Yes.**

21 Q. And where was that? That was --

22 **A. It was like a paper version, so like it  
23 wasn't actually an agenda.**

24 Q. You maintained a paper calendar --

25 **A. Right.**

1 Q. -- during the time you were associated with  
2 World Financial Group.

3 A. Yes.

4 Q. Do you still have that calendar?

5 A. I don't, sir.

6 Q. Did you throw it away at some point?

7 A. Yes.

8 Q. Do you recall when you did that?

9 A. When I moved out.

10 Q. When you moved out of what address?

11 A. Of the condo, I can't recall the address.  
12 It was 2011.

13 Q. This is the condo -- I'm sorry, I didn't  
14 mean to speak over you. Go ahead.

15 A. Yes, 2011 when I moved out, that's when I  
16 discard a lot of paperwork.

17 Q. This is the condo that you were in between  
18 when you were at REDACTED and at REDACTED  
19 REDAC , right?

20 A. Yes, sir, correct.

21 MR. BLACK: Okay. Why don't we go ahead  
22 and take a break. How long do you want to take a  
23 break for, Steve?

24 MR. WOLFE: What's enough time for everyone  
25 to eat.

1 THE VIDEOGRAPHER: We are off the record,  
2 the 12:06, this is the end of tape 1.

3 (Recess)

4 (Mr. Tompkins enters)

5 THE VIDEOGRAPHER: And we are back on the  
6 record. The time is 1:25. This is the beginning of  
7 Tape 2 of the videotaped deposition of Jordan  
8 Destin. You may continue, sir.

9 BY MR. BLACK:

10 Q. All right, Mr. Destin, we took a break for  
11 lunch, and I would like to continue asking you some  
12 questions this afternoon, okay?

13 A. Okay.

14 Q. Mr. Destin, what, if anything, did you do  
15 to prepare for your deposition today?

16 A. I learned more about the case, what it  
17 involved.

18 MR. WOLFE: Let me just -- Jordan, when  
19 you're answering these questions don't discuss  
20 anything --

21 THE WITNESS: Of course.

22 MR. WOLFE: -- any conversations you had  
23 with attorneys.

24 THE WITNESS: Of course.

25 BY MR. BLACK:

1 Q. Okay. You said you learned more about the  
2 case and what it involved?

3 A. Correct.

4 Q. Anything else?

5 A. Not really.

6 Q. Did you meet with your counsel to prepare  
7 for your deposition today?

8 A. Define counsel for me, counsel.

9 Q. I'm sorry?

10 A. Can you restate the question?

11 Q. Oh, sure. Did you meet with your counsel  
12 or your lawyers today to prepare for your  
13 deposition?

14 A. Yes, sir.

15 Q. When did you meet with them?

16 A. This morning.

17 Q. And prior to this morning had you ever met  
18 your lawyers in person?

19 A. No.

20 Q. And who did you meet with this morning?

21 A. I've met with Mr. -- well, to reclarify  
22 everything, I've met my lawyers yesterday night when  
23 I got to Atlanta.

24 Q. All right.

25 A. Okay. This morning I met with Mr. -- at

1 the very end of the table, I'm sorry, I forgot his  
2 name.

3 Q. Tompkins?

4 A. Correct.

5 Q. So you met with Mr. Tompkins this morning?

6 A. Correct.

7 Q. To prepare for your deposition?

8 A. No, it was just part of the -- he was in  
9 the room.

10 Q. Why don't you tell me who all you met with  
11 this morning and then I can ask you questions about  
12 that.

13 A. Well, this morning I obviously met with  
14 Mr. Steven.

15 Q. Mr. Wolfe?

16 A. Yeah, Mr. Wolfe, Steven Wolfe.

17 Q. All right. Anyone else?

18 A. Suzanne Leeds.

19 Q. Anyone else?

20 A. Lloyd Ambinder.

21 Q. Anyone else?

22 A. The gentleman sitting at the table, I'm  
23 sorry, his name.

24 Q. Mr. Buckley?

25 A. Mr. Buckley, that's right.

1 MR. BUCKLEY: Note, I'm the only person he  
2 called a gentleman.

3 MR. BLACK: Duly noted for the record.

4 MR. WOLFE: Which one of us is supposed to  
5 be offended by that?

6 BY MR. BLACK:

7 Q. So as I understand it, you met this morning  
8 with Mr. Tompkins, Mr. Wolfe, Ms. Leeds,  
9 Mr. Ambinder and Mr. Buckley; is that right?

10 A. Yes.

11 Q. For how long did you meet with them?

12 A. About an hour and a half, two hours.

13 Q. Was anyone else present when you were  
14 meeting with those individuals?

15 A. No, sir.

16 Q. You said that you met your counsel for the  
17 first time in person last night; is that right?

18 A. Yes, sir.

19 Q. Who did you meet last night?

20 A. Mr. Lloyd Ambinder.

21 Q. Did you spend any time preparing for your  
22 deposition with Mr. Ambinder last night?

23 A. I did.

24 Q. For how long?

25 A. About an hour.



1 Q. Where did you meet?

2 A. In the office over here.

3 Q. You met at Buckley & Klein?

4 A. Yes, correct.

5 Q. Do you remember what time you met?

6 A. 6:30.

7 Q. And when you met with Mr. Ambinder last  
8 night was anyone else present?

9 A. Suzanne Leeds.

10 Q. Ms. Leeds was present?

11 A. Yes, and Mr. Wolfe as well.

12 Q. All right. So as I understand it, you met  
13 with Mr. Wolfe, Ms. Leeds and Mr. Ambinder last  
14 night for about an hour and then this morning met  
15 separately for an hour and a half to two hours with  
16 Mr. Tompkins, Mr. Wolfe, Ms. Leeds, Mr. Ambinder and  
17 Mr. Buckley; is that right?

18 A. Yes, sir.

19 Q. Were there any other lawyers you've met  
20 with to prepare for your deposition today either in  
21 personally or over the phone?

22 A. No, sir.

23 Q. Did you review any documents to prepare for  
24 your deposition today?

25 A. Yes, sir.

1 Q. What documents did you review?

2 A. The complaint that was filed under my name.

3 Q. So the complaint that was filed with your  
4 name on the front?

5 A. Yes, correct.

6 Q. And I will ask you about that later. That  
7 is something I will refer to as the proposed amended  
8 complaint. Did you understand there was a complaint  
9 previously filed in this lawsuit?

10 A. Yes, sir.

11 Q. Did you look at that complaint to prepare  
12 for your deposition?

13 A. Yes.

14 Q. So you looked at the original complaint?

15 A. Uh-huh, yes, sir.

16 Q. You also looked at the proposed amended  
17 complaint?

18 A. Which is mine, yes.

19 Q. Did you look at any other documents?

20 A. Beside the document I provided myself, no.

21 Q. Besides the documents that you provided as  
22 part of the lawsuit, did you look at anything else  
23 besides the original complaint and the proposed  
24 amended complaint?

25 A. No, sir.

1 Q. And when you said the documents that you  
2 provided, are you referring to the documents that  
3 you provided to your counsel as part of the lawsuit?

4 A. Yes, sir.

5 Q. What were those documents?

6 A. The welcome e-mail and the different books  
7 I was required to purchase when I joined the  
8 company.

9 Q. Anything else?

10 A. No.

11 Q. We received a resume from you. Did you  
12 review your resume to prepare for your deposition  
13 today?

14 A. No.

15 Q. We also received some W-2s for you.

16 A. Yes.

17 Q. Did you review those to prepare for your  
18 deposition today?

19 A. I did take a look at it this morning, yes.

20 Q. So that the original complaint, the  
21 proposed amended complaint, the welcome e-mail and  
22 what you've referred to as books that you were  
23 required to purchase. Those are the documents that  
24 you looked at to prepare for your deposition?

25 A. Yes, sir.

1 Q. And we talked earlier today about your  
2 search for e-mails and electronic documents. In the  
3 last day or two prior to your deposition did you go  
4 back again to look and see whether any of those  
5 documents existed?

6 A. Yes, sir.

7 Q. What did you do?

8 A. I just again looked through my e-mail, my  
9 wife's computer, my hard drive, external hard drive.  
10 That's about it.

11 Q. When did you do that?

12 A. This weekend, Saturday. Saturday and  
13 Sunday.

14 Q. And when you say e-mail, are you talking  
15 about your Yahoo account?

16 A. Yes.

17 Q. The other two accounts, as I understand it,  
18 you're not -- you told us you're not able to access  
19 them.

20 A. Correct.

21 Q. And I take it that that search did not  
22 yield anything else?

23 A. Correct.

24 Q. We were talking right before the break  
25 about calendars, and you told me that you maintained

1 a hard copy calendar, correct?

2 **A. Yes.**

3 Q. Is that still your practice, to maintain a  
4 hard copy calendar?

5 **A. Yes, sir.**

6 Q. All right. And did you keep one for 2013?

7 **A. I have one for 2013 for my business, yes.**

8 Q. And you kept one in 2012?

9 **A. I was not in business in 2012 until the end**  
10 **of the year, so I did not have one in 2012.**

11 Q. And the 2011 calendar I believe you  
12 testified you threw away at some point?

13 **A. Yes, sir.**

14 Q. That was in the beginning of 2012?

15 **A. That was when I moved out, which is summer**  
16 **2011.**

17 Q. You mentioned earlier, you're married; is  
18 that right?

19 **A. Yes, sir.**

20 Q. When did you get married?

21 **A. I got married back in January 2011.**

22 Q. So right in the middle of your affiliation  
23 with --

24 **A. I'm sorry, January 2012. What a huge**  
25 **mistake, I'm sorry about that.**

1 Q. We'll keep that confidential.

2 A. Right, please.

3 Q. So after your affiliation with World  
4 Financial Group.

5 A. Yes, sir.

6 Q. And Mr. Destin, did you talk to anyone  
7 other than your counsel in an attempt to prepare for  
8 your deposition or to refresh your recollection with  
9 regard to any facts that might relate to your  
10 association with World Financial Group?

11 A. No, I didn't talk to anybody about  
12 preparation for the deposition.

13 Q. When's the last time you spoke to  
14 Christian?

15 A. The last time I worked for World Financial  
16 Group, so it was about three years ago.

17 Q. When's the last time you spoke to Aline?

18 A. I spoke to Aline about in July, August of  
19 this year.

20 Q. When's the last time you spoke to Don  
21 Chang?

22 A. Three years ago.

23 Q. When's the last time you spoke to Laura  
24 Chang?

25 A. Three years ago.

1 Q. I've seen a reference to someone named  
2 Laura Wong. Is that the same person as Laura Chang  
3 or is that two different people?

4 A. I don't know, to be honest with you. I  
5 would say the person named Laura is based out of  
6 Anaheim, California. And I've been told her last  
7 name was Chang.

8 Q. During the time that you were associated  
9 with World Financial Group were you in contact with  
10 only one Laura?

11 A. I was in contact with only one Laura, yes,  
12 sir.

13 Q. When is the last time you spoke to  
14 Jennifer?

15 A. Three years ago.

16 Q. And I believe I asked you earlier if you  
17 knew the last names of some of these folks, and I  
18 think we got them for everybody but Jennifer. Do  
19 you recall Jennifer's last name?

20 A. I do not, no.

21 Q. Can you describe Jennifer to us?

22 A. Yep, in her 40s, very nice lady, larger  
23 size lady, very nice, very nice lady. And I believe  
24 she was a teacher at the same time she was working  
25 for World Financial Group.

1 Q. It was not uncommon that folks who were  
2 associated with World Financial Group at the same  
3 time you were had other jobs, other full-time  
4 associations, correct?

5 A. Correct.

6 Q. Would you say that was more often the case  
7 than not?

8 A. For the people I got to talk to were  
9 working in my team, they had a second job.

10 Q. They did.

11 A. Yes.

12 Q. And some of those jobs are full-time,  
13 correct?

14 A. I would not know.

15 Q. When you spoke to Aline in July or August,  
16 did that have anything to do with your deposition  
17 here today?

18 A. I was trying to recover a document from  
19 her.

20 Q. What document were you trying to recover  
21 from her?

22 A. Anything related to World Financial Group,  
23 e-mail, phone calls, any.

24 Q. And were you able to recover anything from  
25 her?



1           **A. Only thing I was able to recover was the**  
2   **welcome e-mail.**

3           Q. So the welcome e-mail, Aline provided that  
4   to you?

5           **A. Yes, sir.**

6           Q. Were there any other documents or  
7   information that Aline was able to provide to you?

8           **A. No, sir.**

9           Q. When you spoke to Aline did you tell her  
10   why you were trying to locate documents relating to  
11   World Financial Group?

12          **A. No.**

13          Q. Did she ask?

14          **A. No.**

15          Q. You simply -- did you make contact with  
16   her?

17          **A. Yes.**

18          Q. How did you reach her?

19          **A. Facebook.**

20          Q. Did you send her a private message?

21          **A. Yes.**

22          Q. And do you recall what it is you asked her?

23          **A. Yes, I requested to have any document that**  
24   **would pertain to my employment with World Financial**  
25   **Group at the time.**

1 Q. Did you -- I'm sorry, go ahead?

2 A. Anything with my name on it.

3 Q. Did she respond to you?

4 A. Yes.

5 Q. How quickly did she respond to you?

6 A. Three days.

7 Q. And did she ask you any questions about why  
8 you were looking for that information?

9 A. No.

10 Q. Do you know if Aline is still associated  
11 with World Financial Group?

12 A. I'm not sure.

13 Q. How did Aline provide you with the welcome  
14 e-mail?

15 A. She had access. I think she had a copy of  
16 all my record, everything that was being sent out,  
17 and sent it. She probably would be the one who  
18 kept, you know, most of the information.

19 Q. And did she tell you that the only thing  
20 she had was that welcome e-mail?

21 A. Yes.

22 Q. And in what format did she provide that to  
23 you? Did she give you a hard copy? Did she send it  
24 to you by e-mail?

25 A. She forwarded to me the e-mail, the

1     **original e-mail.**

2           Q.   Had anyone asked you to reach out to Aline  
3   to gather information?

4           **A.   No, sir.**

5           Q.   You did that entirely on your own?

6           **A.   Yes, sir.**

7           Q.   Have you spoken to anyone about your  
8   deposition other than your counsel?

9           **A.   No, sir.**

10          Q.   And you're currently represented by  
11   counsel, correct?

12          **A.   Yes, sir.**

13          Q.   And do you understand that all the lawyers  
14   that you met with this morning represent you?

15          **A.   Yes, sir.**

16          Q.   And so three different law firms, correct?

17          **A.   Correct.**

18          Q.   Buckley & Klein.

19          **A.   Uh-huh.**

20          Q.   Virginia & Ambinder?

21          **A.   Uh-huh.**

22          Q.   And Leeds Brown law?

23          **A.   Yes, sir.**

24          Q.   Now, other than your counsel have you  
25   spoken to anyone about this case since you have

1 learned about it?

2 **A. No, sir.**

3 Q. And just to be clear, I asked you a minute  
4 ago -- I asked you a minute ago if you had spoken to  
5 anybody about your deposition. So my question now  
6 is: Have you spoken to anyone about this case?

7 **A. No, sir.**

8 Q. Is it the case that you've not made any  
9 effort to try and convince anyone to participate in  
10 this case or join this case?

11 **A. I just don't have -- I'm not in touch with  
12 the people I used to work with beside Aline.**

13 Q. Have you made any effort to try and locate  
14 them to recruit them to join the case?

15 **A. I -- well, I don't recall their last names,  
16 so it was hard for me to initiate a research. But  
17 no, beside Aline I didn't speak to anybody.**

18 Q. My question was -- I understand you've not  
19 spoken to anyone -- have you made any effort to try  
20 and locate anybody to try to talk to them about  
21 joining the case?

22 **A. No, I didn't.**

23 Q. Are you aware, Mr. Destin, that World  
24 Financial Group at some point served a set of  
25 written interrogatories that were questions directed

1 to you that we asked you to answer?

2 **A. Of course.**

3 Q. When did you become aware of that?

4 **A. That you would ask me questions?**

5 Q. No, let me be clear. I am asking you  
6 questions today in the format of a deposition.

7 **A. Correct.**

8 Q. My question was: Are you aware that at  
9 some point during your affiliation with this case  
10 that World Financial Group has provided to your  
11 counsel a set of written questions that we have  
12 asked you to answer?

13 **A. Yes.**

14 Q. When did you become aware of those?

15 **A. When I replied to the e-mail, so it was**  
16 **when I started filling out paperwork for the case,**  
17 **so about a month or two ago.**

18 Q. So about two months ago you became aware  
19 that there were written questions directed to you?

20 **A. Right. I wouldn't even say more than a**  
21 **month ago, let's say a month ago.**

22 Q. A month ago.

23 **A. A month ago, yeah. Because I think the**  
24 **questions were the last document that were sent out.**

25 Q. And are you aware that in addition to those

1 written questions that World Financial Group also  
2 provided to your counsel a set of requests for  
3 documents that were provided to you?

4 **A. Yes.**

5 Q. Did you find out about those for the first  
6 time around the same time you found out about the  
7 written questions?

8 **A. Yes, sir.**

9 Q. And who provided to you?

10 **A. The questions were provided to me by**  
11 **Ms. Suzanne Leeds.**

12 Q. And how about the requests for documents?  
13 Who provided those to you?

14 **A. Same thing, Suzanne Leeds.**

15 Q. About a month ago, correct?

16 **A. Yes.**

17 Q. Mr. Destin, I'm showing you what has been  
18 marked as Exhibits 5 and 6 in your deposition today,  
19 and I'd like to focus your attention on Exhibit 5  
20 for the time being, if I can.

21 **A. Okay.**

22 Q. Can you take a look at this document and  
23 tell me if you recognize it?

24 **A. It's a civil action, yes, with my name on**  
25 **it.**

1 Q. And this, I will represent to you, is a set  
2 of the request for production of documents that were  
3 provided to your counsel from World Financial Group.  
4 Do you recall, is this the document that you saw  
5 about a month ago?

6 A. I've seen this document, yes, sir.

7 Q. And you've told us a few minutes ago that  
8 you recalled receiving requests for documents about  
9 a month ago. Is this the document that you recall  
10 seeing?

11 A. I received a lot of documents, to be honest  
12 with you. Yeah, that would be the one, that would  
13 be the document.

14 Q. All right. And take a look at Exhibit 6,  
15 if you will, the second document that I handed to  
16 you. And my question about this document is the  
17 same. I will represent to you this is a set of  
18 written interrogatories, which are what I was  
19 referring to a few minutes ago when I mentioned  
20 written questions, that were provided to your  
21 counsel by World Financial Group. Is this the  
22 document that you recall seeing about a month ago?  
23 I'm looking at Exhibit 5 now.

24 A. Oh, I'm sorry.

25 Q. Not a problem. Or no, I'm sorry, no, I

1 just screwed you up. Exhibit 6.

2 A. To me they look the same, to be honest with  
3 you.

4 Q. Exhibit 6 was the one I was just asking  
5 that question about.

6 MR. WOLFE: 6 is the document request?

7 MR. BLACK: 6 is the interrogatories.

8 MR. WOLFE: Okay.

9 A. I can't recall exactly when I saw this  
10 document, yes.

11 Q. But you have seen this document before  
12 today?

13 A. Yes, uh-huh.

14 Q. Mr. Destin, I'm showing you what's been  
15 marked as Exhibit 7.

16 A. Okay.

17 Q. This, I will represent to you, is a copy of  
18 responses to interrogatories that were provided to  
19 World Financial Group by your counsel.

20 A. Okay.

21 Q. Can you take a look at this document and  
22 tell me if you have ever seen this?

23 A. I've seen this document, yes.

24 Q. You have.

25 A. Yes.



1           Q. And have you ever been asked, Mr. Destin,  
2 to review this document and then signed a  
3 verification under oath that the answers in this  
4 document are correct?

5           A. They asked me to verify the document and to  
6 make sure everything was correct. But no, I didn't  
7 sign a waiver or I didn't sign anything like that.

8           Q. You weren't asked to sign a verification  
9 that everything was correct?

10          A. I was required to sign the deposition --  
11 not the deposition, I'm sorry, the documents if they  
12 were correct. But I didn't sign anything on the  
13 side beside the document itself.

14          Q. Okay. When you say sign the documents,  
15 what are you referring to?

16          A. The complaint, I believe, the actual  
17 document with my name on it.

18          Q. Oh, I see, okay. I'm talking -- the  
19 complaint with your name on it is something separate  
20 and apart from the document I'm showing you right  
21 now.

22          A. Okay.

23          Q. The document I'm showing you now is what we  
24 commonly refer to as discovery requests.

25          A. Okay.

1 Q. And these are discovery responses.

2 A. Okay.

3 Q. And so my question is: This document that  
4 I put in front of you is Exhibit 7.

5 A. Uh-huh.

6 Q. Which are described in the caption as  
7 Plaintiff Jordan Destin's Responses to Defendants'  
8 Requests for Interrogatories.

9 A. Correct.

10 Q. My question is: Has anyone ever asked you  
11 to sign a sworn verification that the answers that  
12 are contained in this document are accurate?

13 A. No, sir.

14 Q. And Mr. Destin, are you aware that the  
15 responses that are included in this document were  
16 untimely served on World Financial Group such that  
17 any objections that you might have had to these were  
18 waived?

19 MR. WOLFE: Objection.

20 A. I --

21 MR. WOLFE: Don't answer the question if  
22 you learned anything about it by conversations with  
23 attorneys.

24 A. I wasn't aware of it.

25 BY MR. BLACK:

1 Q. Okay. You weren't aware that your counsel  
2 served these late and waived the objections?

3 A. No, sir.

4 MR. WOLFE: Objection.

5 BY MR. BLACK:

6 Q. Mr. Destin, I'm showing you what's been  
7 marked as Exhibit 8. Can you take a look at this  
8 document, tell me if you ever seen it before?

9 A. Yes, sir.

10 Q. You have seen this before?

11 A. I've seen this before.

12 Q. When did you see this?

13 A. When it was sent to me by e-mail.

14 Q. This document with the answers included  
15 were sent to you by e-mail?

16 A. Yes.

17 Q. Who sent them to you by e-mail?

18 A. Ms. Suzanne Leeds.

19 Q. Do you recall when they were sent to you by  
20 e-mail?

21 A. Again, it was within the same timeframe of  
22 the last two months, I'd say. I can't recall the  
23 exact day.

24 Q. Take a look, if you will, at the very  
25 last -- I'm sorry, third to last page of this

1 document. It is the page numbered 13.

2 **A. Okay.**

3 Q. And this document right above the signature  
4 line has a date of October 2nd, 2013, do you see  
5 that?

6 **A. Uh-huh, yes.**

7 Q. Does that refresh your recollection at all  
8 as to when you may have seen this document?

9 **A. I -- again, I've seen a lot of documents  
10 that looks exactly the same one to another. What I  
11 can tell you is it was definitely in the last two  
12 months. As of the day, I can't tell you exactly.**

13 Q. And I want to ask you the same question  
14 about this document that I asked you about Exhibit  
15 6, which was the -- I'm sorry, Exhibit 7 which was  
16 the other set of interrogatories, and that is: At  
17 any time have you been asked --

18 **A. I'm sorry. There you go. Okay.**

19 Q. At any time have you been asked by anyone  
20 to review this document and to sign a sworn  
21 verification that the answers in it are correct?

22 **A. I was asked to review the document, but I  
23 wasn't asked to sign any waiver.**

24 Q. You said sign any --

25 **A. Waiver or nothing.**

1 Q. Okay. I didn't mean a waiver.

2 A. Well, well --

3 Q. My question is I understand that you were  
4 asked to review it.

5 A. Correct.

6 Q. Did anyone ever ask you to sign a sworn  
7 verification attesting to the fact that the answers  
8 in the document were true and correct under oath?

9 A. No, sir.

10 Q. Take a look, if you will, at page 4 of this  
11 document, Mr. Destin. And I'm going to ask you  
12 about a number of the interrogatories that were  
13 interposed to you.

14 A. Okay.

15 Q. And I will be referring to your response.

16 A. Okay.

17 Q. All right? And when I refer to the  
18 interrogatories, I will refer to them by number.  
19 And if you look at the top of this first page,  
20 number 4, you'll see a number 1 at the top of the  
21 page, do you see that?

22 A. Correct.

23 Q. That would be Interrogatory Number 1. So  
24 we'll follow that cadence as we walk through the  
25 document, okay?

1           **A. Okay.**

2           Q. Interrogatory 1 asks that you identify each  
3 person known or believed by you to have personal  
4 knowledge of any of the facts at issue or involved  
5 in the action. And by action, we mean the lawsuit.

6           **A. Okay.**

7           Q. In response to this, the response reads,  
8 quote, plaintiff states that all similarly situated  
9 employees of defendant, Defendants' managers and  
10 owners would have knowledge or information relevant  
11 to the allegations set forth in the complaint.

12                   Do you see that?

13           **A. I do.**

14           Q. The phrase all similarly situated employees  
15 of defendant, who do you mean by that?

16                   MR. WOLFE: Objection.

17           **A. Okay, where is my response? Because I lost**  
18 **you, I'm sorry.**

19           Q. Yes, sir. It is right here, and I was  
20 referring to this phrase right here, all similarly  
21 situated employees of defendant. Who do you mean by  
22 that, that phrase?

23                   MR. WOLFE: Objection.

24           **A. Well, it would be people I worked with.**

25           Q. And by that, you mean people like Christian

1 and Aline and Jennifer?

2 **A. But is the question asking me are they**  
3 **aware of the current lawsuit?**

4 Q. The question was asking you to identify  
5 anyone who you think has personal knowledge of any  
6 of the facts at issue or involved in the action or  
7 any of the events underlying the allegations in the  
8 complaint, the answer, which is the document that  
9 World Financial Group filed in response, or any  
10 other pleading in the lawsuit. So essentially  
11 asking you to identify people who you believe have  
12 personal knowledge of facts germane to your lawsuit.

13 **A. I mean, unless they had it from me, I would**  
14 **not know anybody else.**

15 Q. Okay. So when you say all similarly  
16 situated employees of defendant, we're talking about  
17 the people you talked about earlier?

18 **A. I'm talking about the people I represent.**

19 Q. Okay. Who do you represent?

20 MR. WOLFE: Objection.

21 **A. The workers. The workers.**

22 Q. Just generally any workers who you believe  
23 were employees of World Financial Group?

24 **A. Yes, sir.**

25 MR. WOLFE: Same objection.

1 BY MR. BLACK:

2 Q. Can you identify any of them by name?

3 A. **Beside the people I gave you the name of, I**  
4 **can't recall first and last name for the others.**

5 Q. So you would include in that group Aline,  
6 am I right about that?

7 MR. WOLFE: Objection.

8 A. **I would include people who worked, yes, for**  
9 **World Financial Group.**

10 BY MR. BLACK:

11 Q. My question was specific to Aline.

12 A. **Yes.**

13 Q. You would include Aline in that group?

14 A. **Yeah.**

15 MR. WOLFE: Objection.

16 BY MR. BLACK:

17 Q. And you would include Christian in that  
18 group?

19 MR. WOLFE: Same objection.

20 A. **Yeah.**

21 BY MR. BLACK:

22 Q. You include Laura Chang in that same group?

23 MR. WOLFE: Same objection.

24 A. **Yes.**

25 Q. You include Don Chang in that group?



1 MR. WOLFE: Same objection.

2 A. I'm not sure if Don Chang is involved in  
3 World Financial Group. I'm not sure if he actually  
4 has a title.

5 BY MR. BLACK:

6 Q. What do you mean by that?

7 A. Well, from my knowledge he's been in the  
8 company through his wife, so he was not officially  
9 part of the company.

10 Q. Your testimony is you don't know that Don  
11 Chang is officially associated with World Financial  
12 Group?

13 A. Correct.

14 Q. If he were associated with World Financial  
15 Group, that is if he signed an Associate Membership  
16 Agreement, would he be one of the individuals that  
17 you're seeking to represent?

18 MR. WOLFE: Objection.

19 A. Well, to me he's been since the beginning  
20 because he was the one giving me the direction of,  
21 you know, how to do my job, and again he was the  
22 highest person I could refer to, if needed.

23 Q. So my question is: Is Don Chang among the  
24 individuals who you believe is a similarly situated  
25 employee of defendant?

1 MR. WOLFE: Objection.

2 A. My answer would be yes.

3 Q. And Jennifer would be as well?

4 A. Yes, sir.

5 MR. WOLFE: Same objection.

6 BY MR. BLACK:

7 Q. You identify someone in this interrogatory  
8 answer named Stephanie. Who is that?

9 A. Stefan, I'm sorry, it's Stefan, the person  
10 I told you about earlier.

11 Q. All right. So Stephanie should be Stefan,  
12 the person --

13 A. It should be Stefan, a male person.

14 Q. And I believe you identified Stefan as the  
15 person who recruited Christian, correct?

16 A. Correct. They were working together. So  
17 I'm not sure about who recruited who, but they were  
18 definitely working in the same office and they were  
19 getting directive from the same -- them two.

20 Q. They were getting directive from Don Chang?

21 A. Laura Chang and Don Chang, yes.

22 Q. And is it your understanding that the  
23 direct -- to use your word -- directions that were  
24 being given to the folks with whom you were  
25 associated in Las Vegas were being handed down from

1 Laura Chang and Don Chang?

2 A. I'm assuming, yes, that they were under the  
3 same.

4 Q. And Laura Chang and Don Chang were the  
5 individuals that you noted earlier required  
6 attendance at meetings?

7 A. Yes.

8 Q. And who I think you also said required that  
9 you follow a certain strategy in how you approached  
10 potential customers or recruits?

11 A. Yes, sir.

12 Q. Is it fair to say that any of the  
13 requirements that you felt were imposed on your  
14 relationship with World Financial Group, you believe  
15 those came from Don and Laura Chang?

16 A. Not necessarily. It came from the whole  
17 office.

18 Q. Came from the whole office. They were  
19 located in California, correct?

20 A. Right, they were in California, so whenever  
21 they came in town we had a meeting with them. I  
22 actually went to Anaheim myself to have a personal  
23 meeting with them myself too. But the whole office  
24 was following the same directives.

25 Q. And those were the directives that were

1 coming down from Don and Laura?

2 A. Don and Laura was -- they were all CEO  
3 marketing, so they were the direct people I had in  
4 my team. Regarding the other teams in the same  
5 office, I believe the different CEO directors.

6 Q. I see. So when you say "your team in the  
7 office," who was a part of your team in the office?  
8 Was it Aline and Christian, Jennifer and Stefan?

9 A. Yes.

10 Q. Anyone else?

11 A. It was all the people, yes, we were about  
12 15. 15 members in the team in total. I just can't  
13 recall the names of everybody else.

14 Q. Was it your understanding that those  
15 individuals were, to use your term, part of a team  
16 because they had in effect been recruited by people  
17 within that team?

18 A. Yes.

19 Q. And the other, again to use your term,  
20 teams that were in Las Vegas, was it your  
21 understanding those people were a part of those  
22 teams because they had been recruited by others in  
23 those teams?

24 A. Well, they were basically all working by  
25 team. So we each -- each and every single team had

1     their own office, so we were basically going by  
2     teams. So I kind of knew who was with who, in what  
3     team, but yeah, our team was under Laura Chang and  
4     then Christian and Stefan, and follow the same  
5     pattern.

6           Q. Okay. That in effect was the hierarchy  
7     with your team was Laura and Don at the top, Stefan,  
8     Christian, Aline, you.

9           A. There you go.

10          Q. Do you know if anyone was in that hierarchy  
11     higher than Don and Laura?

12          A. I've -- I had a name given to me, Tom Lu.

13          Q. Tom Lu?

14          A. Uh-huh. Which I don't believe I've never  
15     met -- I don't think I've ever met him.

16          Q. All of the individuals -- let me strike  
17     that.

18                 Are you aware of anyone who was higher in  
19     the hierarchy than Tom Lu?

20          A. No.

21          Q. Do you have any information to suggest that  
22     Tom Lu was a corporate officer of World Financial  
23     Group?

24                 MR. WOLFE: Objection.

25          A. No, sir.

1 BY MR. BLACK:

2 Q. Do you have any information as you sit here  
3 today to suggest that Tom Lu was employed by World  
4 Financial Group in Johns Creek, Georgia?

5 MR. WOLFE: Objection.

6 A. I don't know.

7 Q. That's true for everyone else in the  
8 hierarchy too, correct?

9 A. Correct.

10 Q. And with regard to the individuals we just  
11 talked about, Tom Lu down through Don and Laura and  
12 the others, do you have any information to suggest  
13 that World Financial Group in Johns Creek, Georgia  
14 was providing those requirements and directions that  
15 they were then sharing with you?

16 A. Of course.

17 Q. What evidence do you have that that was the  
18 case?

19 A. Well, the name of World Financial Group was  
20 in our offices, all the documents that were provided  
21 by us was World Financial Group, the list of client  
22 we are to call, the list of people we could recruit  
23 was provided by World Financial Group, the books we  
24 had to buy, the nametag, everything was named World  
25 Financial Group.

1           Q. You said the list of individuals you were  
2 to call was provided by World Financial Group?

3           A. Yes. Well, it was -- the name World  
4 Financial Group was on the paper.

5           Q. Aw, I see. But you don't know who provided  
6 that list, correct?

7           A. No, sir.

8           Q. That list may well have been provided by  
9 someone in your hierarchy, correct?

10          A. Yes, sir.

11          Q. In fact, one of the things that you were  
12 doing in relation to your association with World  
13 Financial Group was to try and develop your own list  
14 of contacts, correct?

15          A. I was trying to create a team, yes.

16          Q. You were trying to create a team by  
17 recruiting others to join World Financial Group?

18          A. Yes, sir.

19          Q. So that there would, in this hierarchy,  
20 there would be folks who then were reporting up to  
21 you, so to speak, correct?

22          A. Yes, correct.

23          Q. And that was something you started to do  
24 immediately, or very close thereafter to joining  
25 World Financial Group.

1           **A. Correct.**

2           Q. You had at least one individual who you  
3 recruited, right, Thibaud Lucas.

4           **A. Yes, sir.**

5           Q. And at any point were you contacted by  
6 World Financial Group at the corporate level,  
7 anybody located in Johns Creek, to give you specific  
8 instructions that you were then to provide to  
9 Thibaud Lucas?

10          **A. No, sir.**

11          Q. The information that you provided to  
12 Thibaud, was that information that you had been  
13 provided by those up from you, meaning Aline or  
14 Stefan or Christian or Don or Tom?

15          **A. Yes, sir.**

16          Q. You understood -- you understood that by  
17 becoming associated with World Financial Group if  
18 you could, as you just put it, recruit a team and  
19 that team could become licensed and you were to  
20 become licensed, that you could then obtain  
21 commissions based on either your sales or the sales  
22 of the people under you, correct?

23          **A. Yes.**

24          Q. And that was, in fact, what you were trying  
25 to achieve?



1           **A. That was my goal.**

2           Q. Did you also encourage the folks -- you had  
3 one recruit, Mr. Thibaud Lucas. Did you encourage  
4 Mr. Lucas to also recruit so that he in turn would  
5 have people below him?

6           **A. Yes, sir.**

7           Q. And that was also for the purpose of  
8 allowing him to obtain commissions were he to become  
9 licensed and the people below him were to become  
10 licensed, correct?

11          **A. Correct.**

12          Q. When you were talking to Mr. Lucas about  
13 recruiting did you tell him anything about what he  
14 should say to folks he was recruiting about how they  
15 would be compensated?

16          **A. Well, not about compensation. Well, it was**  
17 **part of the sales training, obviously. So the sales**  
18 **pitch was you sell the product but you also recruit.**  
19 **And in that recruiting part you also have commission**  
20 **questions or, you know, compensation also.**

21          Q. And as any part of that training, did any  
22 part of that training talk about telling recruits  
23 that they would be paid an hourly wage for their  
24 work?

25          **A. No, sir.**

1 Q. Did any part of that training involve  
2 telling recruits that they would be paid a salary  
3 for anything that they did associated with World  
4 Financial Group?

5 A. No, sir.

6 Q. All of the information that was received  
7 talked about being able to receive commissions if  
8 someone were to become licensed, correct?

9 A. Correct.

10 Q. And you provided the understanding that you  
11 wouldn't receive anything until you were, in fact,  
12 licensed, correct?

13 A. Correct.

14 Q. The training that you mentioned, was that  
15 provided by someone up from you in your hierarchy?

16 A. Yes, sir.

17 Q. Who provided that?

18 A. Christian.

19 Q. And when Christian provided this training  
20 were you the only person who received the training  
21 or was the training more of a group training?

22 A. It was a group training at first, but when  
23 you a trainee, so when you just join the company,  
24 for about two or three weeks they will basically  
25 show you how to do a presentation. So he was the

1     **one putting the most pressure on me at the time.**

2           Q.   And let me ask this:  What was the focus of  
3   your, again, to use your term, team, with regard to  
4   selling either financial services products or  
5   insurance?  Was the focus on financial services, was  
6   the focus on financial planning, was it on insurance  
7   sales?  What was the focus?

8           **A.  Different financial product.  The most**  
9   **important one was life insurance, definitely a big**  
10  **one, and recruiting.**

11          Q.  So life insurance and recruiting --

12          **A.  Yes.**

13          Q.  -- were the two most important things that  
14   were discussed in any training that you received  
15   with regard to either your attempt to become  
16   licensed and then sell or to recruit.

17          **A.  Yes.**

18          Q.  Do you know whether other, again to use  
19   your term, teams, have different focuses; that is,  
20   whether other teams might be focused on the  
21   financial services and securities side of selling  
22   and recruiting?

23          **A.  One of my team member, teammate, focused**  
24   **on, I believe the product was called Lifelock.**

25          Q.  Who was that?

1           **A.   Jennifer.**

2           Q.   So someone within your own team --

3           **A.   Yes.**

4           Q.   -- had a different focus in terms of what  
5   she was doing with the effort she was making than  
6   even you did.

7           **A.   That's right.**

8           Q.   Within your same team did others also have  
9   a different focus?

10          **A.   Yes.**

11          Q.   Who else had a different focus?

12          **A.   Christian.**

13          Q.   What was Christian's focus?

14          **A.   Recruiting.**

15          Q.   So Christian was not really focused on  
16   selling anything, he was focused on recruiting  
17   others.

18          **A.   Correct.**

19          Q.   How about others on your team? Did they  
20   have a different focus?

21          **A.   Stefan will be the same focus, it will be**  
22   **recruiting and sales.**

23          Q.   And sales, was he --

24          **A.   Life insurance.**

25          Q.   Life insurance.

1           **A. Life insurance.**

2           Q. Did you ever have occasion to talk to  
3           somebody on any of the other teams that you say were  
4           there in Las Vegas?

5           **A. Yes, couple of times.**

6           Q. Did you understand that they, people within  
7           those groups, had different focuses?

8           **A. They had different focuses, yes.**

9           Q. And that would change -- those different  
10          focuses would dictate the kind of the nature of what  
11          you were doing, correct? In other words, if you're  
12          focused on selling life insurance as opposed to  
13          simply being focused on recruiting, as opposed to  
14          simply being focused on securities, each person  
15          might be doing something different then, correct?

16          **A. Correct. But the team goal for each -- I**  
17          **should not say each and every team, but most of the**  
18          **team I got in touch with, the goal was to sell life**  
19          **insurance because it was one of the best products we**  
20          **had at World Financial Group, and to recruit.**  
21          **Recruit was something we could not avoid, like we**  
22          **could not go by a day without talking about**  
23          **recruiting.**

24          Q. Do you know whether the -- were you  
25          provided with recommendations on how to recruit?

1           **A. Of course, yes.**

2           Q. Do you know whether the recommendations  
3 that you were provided with respect to how to  
4 recruit were the same recommendations provided to  
5 other associates of World Financial Group around the  
6 country?

7           **A. Around the country, I do not know. But in**  
8 **the Las Vegas office, yes.**

9                   (Mr. Tompkins exits)

10       BY MR. BLACK:

11           Q. But outside of the Las Vegas office.

12           **A. The recruiting part was exactly the same,**  
13 **yes. I don't know about the focus of the other**  
14 **teams in the country.**

15           Q. My question was: I understand you to be  
16 saying that you were provided with certain  
17 recommendations --

18           **A. Right.**

19           Q. -- about how to recruit.

20           **A. Correct.**

21           Q. Tactics, strategy, that sort of thing,  
22 right?

23           **A. Uh-huh.**

24           Q. Do you know whether individuals associated  
25 with World Financial Group in other parts of the

1 country may have been provided different tactics or  
2 different recommendations?

3 **A. I don't know.**

4 Q. You don't know. Do you have any personal  
5 knowledge of how anyone associated with World  
6 Financial Group functioned or performed any  
7 responsibilities outside of your team in Las Vegas?

8 MR. WOLFE: Objection.

9 **A. No, I don't know.**

10 BY MR. BLACK:

11 Q. Do you know whether there are other teams  
12 or hierarchies within World Financial Group for whom  
13 the focus is not life insurance and recruiting, but  
14 instead might be securities and recruiting?

15 **A. I'm assuming yes, I just don't know.**

16 Q. But it may very well be.

17 **A. I would not be surprised if obviously each  
18 team has a different focus and each office has a  
19 different focus, yes.**

20 Q. One of the documents that you produced was  
21 a cover page, I don't think we got the whole thing,  
22 but it was a cover page to a document the author of  
23 which was an individual named Xuan Nguyen. Do you  
24 recall providing that document?

25 **A. Yes, it's actually two books, two manuals.**

1 Q. Do you know who Xuan Nguyen is?

2 A. Absolutely not.

3 Q. Do you have any understanding about where  
4 that book came from?

5 A. I bought it.

6 Q. Poorly worded question. Do you have any  
7 knowledge of how that book was written or put  
8 together?

9 A. I read the book, yes, but I don't know how  
10 it got put together.

11 Q. Do you know if Xuan Nguyen is an associate  
12 of World Financial Group?

13 A. Well, he's representing the company, that's  
14 for sure.

15 Q. In the sense that World Financial Group was  
16 written on his book.

17 A. Correct, and it followed the technique that  
18 we had to do.

19 Q. Do you know if there were techniques that  
20 were recommended throughout different hierarchies of  
21 individuals associated with World Financial Group  
22 that differed from the technique that Mr. Win  
23 recommended?

24 A. Yes, sir.

25 Q. There were?



1           **A. Yes, sir.**

2           Q. Were you knowledgeable of those?

3           **A. No.**

4           Q. But you were aware that there were.

5           **A. Yes.**

6           Q. The reason that there were is because there  
7 are individuals at the top of some of these  
8 hierarchies who have personal strategies and ideas  
9 on how to build their own business, correct?

10          **A. Yes.**

11                   **(Mr. Tompkins enters).**

12 BY MR. BLACK:

13          Q. And they offer those to you and other  
14 associates as recommendations on how to build your  
15 business, correct?

16          **A. Well, they tell you to follow a certain**  
17 **path.**

18          Q. Right, in an effort to do that, correct?

19          **A. Well, in an effort for you to become**  
20 **successful within the company, yes.**

21          Q. Right. If you wanted to -- strike that.

22                   You mentioned here on page 4 that another  
23 individual who has knowledge regarding the  
24 allegations in the complaint is Michael Cohen, do  
25 you see that?

1           **A. Yes.**

2           Q. What does Mr. Cohen have knowledge of?

3           **A. He's aware of the lawsuit.**

4           Q. Understanding that he's aware of the  
5 lawsuit, but you've said here that he would have  
6 knowledge regarding allegations in the complaint.  
7 You've read the complaint, right?

8           **A. Right.**

9           Q. What knowledge does Mr. Cohen have about  
10 the allegations in the complaint?

11          **A. Well, that's formally his complaint.**

12          Q. He is the lead plaintiff in this case,  
13 correct?

14          **A. He was.**

15          Q. Do you understand -- is it your  
16 understanding that Mr. Cohen is no longer a part of  
17 this case?

18               MR. WOLFE: Objection, don't answer that if  
19 you --

20          **A. I'm not sure.**

21               MR. WOLFE: -- can't answer without talking  
22 to your lawyers.

23          **A. I'm not sure.**

24          BY MR. BLACK:

25          Q. Well, let me ask you this: Who, as you

1 understand it, is Michael Cohen?

2 **A. Michael Cohen is the person to me that**  
3 **initially started the lawsuit.**

4 Q. Have you ever spoken to Mr. Cohen?

5 **A. No.**

6 Q. Have you ever met Mr. Cohen?

7 **A. No.**

8 Q. Have you ever communicated with Mr. Cohen  
9 via e-mail?

10 **A. No.**

11 Q. Do you have any knowledge of what it is  
12 Mr. Cohen may or may not know about the allegations  
13 in the complaint?

14 **A. I don't.**

15 Q. And I'll ask you the same question for the  
16 other individuals that are listed here: Adam  
17 Edwards, Golaleh Kamran, Herbert Russell and Regina  
18 Sanders. As you sit here do you have any  
19 information with respect to what it is they know  
20 about the allegations in the complaint?

21 **A. I don't.**

22 Q. Jennifer and Stefan, elsewhere in these  
23 interrogatories and other documents you provided you  
24 indicated that you, to use your words, worked at the  
25 Las Vegas office five to six days a week, five to

1 six hours a day, correct?

2 **A. Correct.**

3 Q. And I just want to understand: Were these  
4 individuals people that you worked alongside --

5 **A. Yes, sir.**

6 Q. -- during those hours?

7 **A. Yes, sir.**

8 Q. But you don't know their last names.

9 **A. I don't know their last names, and as you**  
10 **know we had different schedules, obviously, so I**  
11 **will see them in and out of the offices.**

12 Q. You talked about, in some of the documents  
13 you provided, you talked about mandatory meetings,  
14 correct?

15 **A. Correct.**

16 Q. Were all the individuals that you've  
17 identified required to be at those meetings?

18 **A. Yes, sir.**

19 Q. So you would have been there at the same  
20 time?

21 **A. Yes, sir.**

22 MR. WOLFE: If you could give us a  
23 five-minute break when you get to a stopping point.

24 MR. BLACK: Sure.

25 BY MR. BLACK:

1           Q. I want to focus your attention, if I can,  
2           on Interrogatory Number 2. And this interrogatory  
3           asks you to identify every current or former  
4           employee, associate, there are a number of terms  
5           there if you want to take a look at it, of defendant  
6           whom you or your lawyers have communicated with  
7           regard to the complaint.

8                   And if you'll look at the next page, the  
9           answer says, It is impossible -- plaintiff states  
10          that it is impossible for him to recall every  
11          specific communication he had with whom during his  
12          employment with WFG, do you see that.

13           **A. Yes.**

14          Q. As I understood it earlier, your testimony  
15          was that you have not spoken to any one of -- any of  
16          your former -- again, to use your term, team  
17          members, with regard to the lawsuit, correct?

18           **A. Correct.**

19          Q. Other than your communication with Aline to  
20          try and recovery documents.

21           **A. Correct.**

22                   MR. BLACK: You want to take that break,  
23          Steve?

24                   MR. WOLFE: If you don't mind.

25                   THE VIDEOGRAPHER: Stand by, please. And

1 we're off the record, the time is 2:15.

2 (Recess)

3 THE VIDEOGRAPHER: And we are back on the  
4 record, the time is 2:27. You may continue, sir.

5 BY MR. BLACK:

6 Q. Mr. Destin, before we took a break we were  
7 looking at what has been marked as Exhibit 8, and I  
8 want to focus your attention back on this document,  
9 if I can.

10 Take a look at page 6 of the document, if  
11 you will. And this is Interrogatory Number 5 that I  
12 want to focus your attention on. And Interrogatory  
13 Number 5 asks you for a certain period of time to  
14 identify quote each and every period of time you  
15 allege that you, quote, worked, end quote, as a,  
16 quote, financial product marketer, financial product  
17 marketer associate or cold caller, end quote,  
18 associated with defendant, as that phrase has been  
19 used by you in the complaint.

20 Do you see that?

21 **A. Yes, sir.**

22 Q. And in the response n the second line of  
23 the response you say, Plaintiff states that he was  
24 only employed by WFG as a financial product  
25 marketer, associate or cold caller, do you see that?

1           **A. Yes, sir.**

2           Q. Those titles that have been included, did  
3 you provide those titles to counsel?

4           **A. Yes, sir.**

5           Q. All right. And do you understand those to  
6 be different titles from one another?

7           **A. To me they're actually the same.**

8           Q. They're all the same.

9           **A. Yes, sir.**

10          Q. They're synonymous with one another?

11          **A. Well, for me it's the same title, either**  
12 **financial advisor, product marketer, associate, will**  
13 **define my position at World Financial Group.**

14          Q. Were you given one of these positions by  
15 anyone who recruited you?

16          **A. Of course, yes, sir.**

17          Q. What position were you -- what title were  
18 you given by someone who recruited you?

19          **A. Financial advisor.**

20          Q. Financial advisor.

21          **A. Yes, sir.**

22          Q. And who provided you with that title?

23          **A. Christian.**

24          Q. Now, that's not one of the titles that's  
25 listed here. These other titles, did anyone ever

1 call you a financial product marketer?

2 **A. No, sir.**

3 Q. Did anyone ever call you a cold caller?

4 **A. No, sir.**

5 Q. And the term associate, that is the term,  
6 in fact, that is used in the AMA agreement, correct?

7 **A. Correct.**

8 Q. And do you understand that the -- in formal  
9 terms the title that you would have had as a result  
10 of your having signed that AMA and become a member  
11 of World Financial Group is associate, correct?

12 **A. To me the title were all the same.**

13 Q. So the financial advisor title and the term  
14 associate to you are the same.

15 **A. Financial advisor was a title I was giving  
16 myself, that they told me to give to the customer,  
17 okay.**

18 Q. So that's the title you were using when you  
19 would talk to a potential customer or potential  
20 recruit.

21 **A. Correct.**

22 Q. Do you have any information to suggest that  
23 anyone associated with WFG at the corporate level  
24 told Christian to give you that title?

25 **A. I don't know, sir.**



1 Q. Did anyone at World Financial Group at the  
2 corporate level give you that title?

3 A. Yes.

4 Q. Who?

5 A. Oh, I'm sorry, at the corporate, no.

6 Q. No one did, right?

7 A. No, no one at the corporate.

8 Q. Do you have any information to suggest that  
9 World Financial Group at the corporate level  
10 controlled at all how individuals who were  
11 associates referred to themselves?

12 A. I would not know that.

13 Q. You have no information to suggest that  
14 they did, though, correct?

15 A. I don't know -- yeah, I don't have any  
16 knowledge.

17 Q. You mentioned earlier that you had a cell  
18 phone that the provider for which was Cricket that  
19 you used during the time that you were associated  
20 with World Financial Group, correct?

21 A. Yes, sir.

22 Q. How did you -- did you have to pay a  
23 monthly fee for that service?

24 A. Through my phone provider, you mean?

25 Q. Yes.

1           **A. Yes.**

2           Q. Okay. And did you pay for service on your  
3 cell phone through Cricket on a monthly basis?

4           **A. Yes, sir.**

5           Q. Did you pay for that?

6           **A. Yes, sir.**

7           Q. Were you reimbursed by anyone associated  
8 with World Financial Group?

9           **A. No.**

10          Q. You testified earlier that in the course of  
11 your work at World Financial Group your association  
12 with World Financial Group, that you utilized a  
13 personal computer, correct?

14          **A. Yes.**

15          Q. I think that was a Toshiba laptop, right?

16          **A. Correct.**

17          Q. Is that a laptop that you purchased  
18 yourself?

19          **A. Yes.**

20          Q. Were you reimbursed by anyone associated  
21 with World Financial Group for that laptop?

22          **A. No, sir.**

23          Q. You mentioned in one of your interrogatory  
24 responses that -- strike that.

25                I assume -- am I correct to assume that

1 during that same period of time you also had home  
2 Internet service?

3 **A. Yes, sir.**

4 Q. Did you have a hard line or wifi?

5 **A. Wifi.**

6 Q. And the wifi, am I correct that you would  
7 use that Internet service sometimes in connection  
8 with your association with World Financial Group?

9 **A. Yes, sir.**

10 Q. Did you pay for that wifi service?

11 **A. Yes.**

12 Q. Were you ever reimbursed for that wifi  
13 service by anyone associated with World Financial  
14 Group?

15 **A. No.**

16 Q. Did you have an expectation that you would  
17 be reimbursed for either your cell phone, your  
18 laptop or your Internet service by anyone associated  
19 with World Financial Group or World Financial Group?

20 **A. Yes.**

21 Q. You did think you would be reimbursed?

22 **A. Yes, sir.**

23 Q. Who told you that you would be reimbursed?

24 **A. Well, that's what they made me believe;  
25 that, you know, basically if you're part of the**

1     **company and like you come with your own car, you pay**  
2     **for your own gas, you get reimbursed at some point.**

3           Q. Did you have an automobile back then?

4           **A. Yes.**

5           Q. And did you sometimes drive from place to  
6     place to meet with prospective customers or  
7     potential recruits?

8           **A. Yes, sir.**

9           Q. And what kind of car were you driving at  
10    that time?

11          **A. It was a Dodge Stratus.**

12          Q. Did you have the same car throughout the  
13    entire time that you were associated with World  
14    Financial Group?

15          **A. Yes.**

16          Q. So it was the Dodge Stratus the whole time?

17          **A. Yes.**

18          Q. Did you lease or purchase the document?

19               MR. WOLFE: Do we need to go off a minute  
20    and get some towels?

21               MR. BLACK: Go off for a second.

22               THE VIDEOGRAPHER: We're off the record,  
23    the time is 2:34.

24               (Recess)

25               THE VIDEOGRAPHER: And we are back on the

1 record, the time is 2:35, you may continue.

2 BY MR. BLACK:

3 Q. The question I asked was: Did you lease or  
4 purchase the Dodge Stratus?

5 **A. I bought it.**

6 Q. Okay. So you owned the Dodge Stratus, or  
7 at least were making payments at that time?

8 **A. I owned it.**

9 Q. You owned it, okay. Had you bought it  
10 outright or had you made payments?

11 **A. I bought it -- bought it out.**

12 Q. And you purchased that automobile entirely  
13 on your own?

14 **A. Yes, sir.**

15 Q. Did anyone associated with World Financial  
16 Group reimburse you for the cost of that vehicle?

17 **A. No.**

18 Q. And I believe you mentioned a second ago  
19 that you would from time to time drive from location  
20 to location to meet with potential customers or  
21 potential recruits, correct?

22 **A. Correct.**

23 Q. Did anyone from World Financial Group  
24 reimburse you for any of your expense associated  
25 with your automobile, including your gas?

1           **A. No.**

2           Q. When you would go to meet with a potential  
3 customer or recruit, how did you dress?

4           **A. Professionally. We were required to wear**  
5 **tie and business attire.**

6           Q. So a tie, a suit, dress shirt?

7           **A. Yes.**

8           Q. Did you have your suits and dress shirts  
9 laundered?

10          **A. Yes.**

11          Q. Did anyone associated with World Financial  
12 Group or World Financial Group reimburse you for the  
13 cost of your dry cleaning?

14          **A. No.**

15          Q. At some point you had business cards made  
16 up, correct?

17          **A. Yes.**

18          Q. That you used in connection with your  
19 efforts to both reach out to potential customers and  
20 to seek out potential recruits, correct?

21          **A. Correct.**

22          Q. How did you obtain those business cards?

23          **A. Through the company called Vistaprint.**

24          Q. And Vistaprint is an outfit that's Internet  
25 based and through which you can order personal

1 business cards relatively cheaply and quickly,  
2 correct?

3 A. Correct.

4 Q. And that's something that you decided to  
5 do?

6 A. Correct.

7 Q. Did you pay for those business cards?

8 A. Yes.

9 Q. Why did you decide to put together business  
10 cards?

11 A. Well, I think that when you represent a  
12 company such as World Financial Group, you try to do  
13 your best to show that you're somebody, you know,  
14 that's legit, first of all, that you have a local  
15 phone number, that if you recruit or don't recruit  
16 people, at least they have a way to contact you and  
17 get in touch with you. A few days to follow up  
18 behind, you know?

19 Q. Fair enough. And so obtaining business  
20 cards was something that you thought you could do to  
21 enhance your ability to both make contact with and  
22 keep contact with potential recruits and potential  
23 customers?

24 A. Right, and improve my status in the  
25 company, basically.

1 Q. And hopefully improve the extent to which  
2 you could develop a team, correct?

3 A. Correct.

4 Q. How did you describe yourself on your  
5 business cards, if you recall?

6 A. Associate.

7 Q. What are some of the other things that you  
8 did when you were associated with World Financial  
9 Group to further your ability to meet or retain  
10 potential recruits or customers, like your business  
11 cards?

12 A. Business card was the most important.  
13 Doing a followup on people cases is very important.  
14 And one of the most important thing was to invite  
15 the people to a presentation.

16 Q. Would you on occasion set up a presentation  
17 to which you would invite people?

18 A. Yes.

19 Q. And would you be the person to give the  
20 presentation?

21 A. Yes.

22 Q. Would you choose the location?

23 A. Each case is different, but nine times out  
24 of ten, 90 percent of the time, was in the office.

25 Q. Okay. So the office was available to you



1 to make a presentation?

2 **A. Yes, sir.**

3 Q. Okay. But other occasions you could choose  
4 to give a presentation outside the office?

5 **A. Right, yes, because if it, you know, helps**  
6 **out for some people because they're not able to come**  
7 **to the office or they're like located in another**  
8 **part of town, yes.**

9 Q. Could you choose, for example, to hold a  
10 presentation at a restaurant?

11 **A. No.**

12 Q. Okay. If you didn't hold it at the office,  
13 where might you hold a presentation?

14 **A. It will be at people's home.**

15 Q. At home. When you conducted one of the  
16 presentations would you provide food or drink or  
17 anything like that?

18 **A. Drinks, as always.**

19 Q. You would?

20 **A. Yes.**

21 Q. And did you pay for those drinks?

22 **A. Yes.**

23 Q. Did anyone from World Financial Group or  
24 anyone associated with World Financial Group  
25 reimburse you for those drinks?

1           **A. No.**

2           Q. To the extent that you didn't become  
3       licensed, and as I understand it you didn't, there  
4       was the potential that you had this outlay of  
5       expense associated with your phone or your laptop or  
6       your business cards or your drinks for a meeting,  
7       and if you ultimately didn't become licensed and  
8       made commissions back that would represent a loss,  
9       correct?

10          **A. Yes, sir.**

11          Q. And in fact, you did suffer that loss,  
12       correct?

13          **A. Yes, sir.**

14          Q. And if by the same token, if you were to  
15       have become licensed and developed a team and  
16       perhaps the members of your team themselves  
17       developed teams, you might, in fact, ultimately turn  
18       a profit over your expenses that you incurred in  
19       growing and building that team, correct?

20          **A. I didn't get a chance to see it.**

21          Q. I'm saying hypothetically, if you had  
22       become licensed and built a team, you could, in  
23       fact, have made commissions over and above the  
24       expenses that you incurred, correct?

25          **A. Yes.**

1 Q. And that was part of the risk associated  
2 with being associated with World Financial Group  
3 that you learned of, correct? That you may either  
4 have a profit or a loss, ultimately for you it was a  
5 loss, right?

6 A. It was a loss for me, yes. But the thing  
7 to remember is every sales speech or every meeting  
8 or one-on-one coaching that I attended, they never  
9 talked about loss, never.

10 Q. That would be sort of negative, right?

11 A. It will be negative, as well for your  
12 teammates, as well for your clients.

13 Q. So the focus was on how to develop your  
14 business to recruit others, to recruit customers, so  
15 that, in fact, you were making money, right?

16 A. Well, the focus was to develop World  
17 Financial Group business.

18 Q. Were you solely involved in this endeavor  
19 to help World Financial Group make money or were you  
20 hoping to make money?

21 A. I was hoping to make money, but I knew they  
22 were making money too.

23 Q. But at the end of the day your interest  
24 was, as I would imagine it should be, and I don't  
25 use this term in a negative way, a selfish one in

1 the sense that you were hoping you would make money,  
2 correct?

3 A. Yes.

4 Q. You might turn a profit.

5 A. Yes, sir.

6 Q. Besides the presentations that we talked  
7 about, business cards, what other things did you  
8 do -- were there any creative things that you tried  
9 to do to either attract recruits or obtain  
10 customers?

11 A. PowerPoint.

12 Q. You put together PowerPoint?

13 A. PowerPoint documents, yes.

14 Q. And what was subject of those PowerPoints?

15 A. How to become financially independent.

16 Q. And did you put that PowerPoint together?

17 A. Yes, sir.

18 Q. Did you put it together based on some of  
19 the information that was shared with you by those  
20 higher in your hierarchy?

21 A. Well, I put it, the PowerPoint, together  
22 based on the product World Financial Group was  
23 presenting, I would have learned about the company,  
24 you know and the whole same technique, basically.

25 Q. Was part of the PowerPoint not only how to

1     become financially independent through investing,  
2     but also to recruit them to join World Financial  
3     Group?

4           **A. Of course it was.**

5           Q. When you met with recruits did you discuss  
6     the fact that you were spending some of your own  
7     money and hadn't yet seen a profit?

8           **A. No, I never discussed that.**

9           Q. That might have discouraged them from  
10    participating?

11          **A. Yes, sir.**

12          Q. I understand that you also posted  
13    advertisements in Craig's List.

14          **A. Yes, sir.**

15          Q. And posted an advertisement, at least one,  
16    on Jobs.com?

17          **A. Yes, sir.**

18          Q. Let's take them one at a time. The Craig's  
19    List post, did you draft and create the post?

20          **A. Yes, sir.**

21          Q. Did you put it up on your own?

22          **A. Yes, sir.**

23          Q. Was that your idea to do so?

24          **A. No.**

25          Q. Okay. Were you instructed to do that?

1           **A. Yes, sir.**

2           Q. By whom?

3           **A. People I worked with.**

4           Q. When you say people you worked with, was  
5 that the people higher than you in your hierarchy?

6           **A. Right, people on my team.**

7           Q. Christian, Aline, people like that?

8           **A. And all the people in the offices, yes,**  
9 **sir.**

10          Q. And so is it your testimony that you were  
11 not given the option of using Craig's List or not,  
12 you were told you had to use Craig's List?

13          **A. I was not told I had to, I was told that it**  
14 **is the best -- a good way to contact people. Any**  
15 **jobs website is good, so Craig's List, Indeed.com,**  
16 **Jobs.com, website.**

17          Q. So Craig's List, Indeed.com, Jobs.com?

18          **A. Correct.**

19          Q. Did you ever use anything like Monster.com?

20          **A. I don't remember.**

21          Q. So I just want to make sure your testimony  
22 is clear. You testified a few minutes ago that you  
23 were required to do it, but I think you've changed  
24 that to these were things that were recommended as  
25 ways to attract new recruits, and those were things

1 that you chose to do based on that recommendation.

2 A. Well, I was -- yes, I chose to do my own  
3 posting, correct. But it was strongly suggested by  
4 the company that you do so.

5 Q. Okay. When you say strongly suggested by  
6 the company, you mean strongly suggested by those  
7 with whom you were associated on your team in Las  
8 Vegas, correct?

9 A. Yes, people in the Las Vegas office,  
10 correct.

11 Q. All right. You've used that term a number  
12 of times, the Las Vegas office. Do you know who  
13 paid the rent on that office space?

14 A. All of us.

15 Q. Y'all did?

16 A. Yes.

17 Q. So everyone kicked into the rent for that  
18 office space?

19 A. From my knowledge, yes. Because we were  
20 asked to pay, I believe it was \$20 a month at the  
21 time.

22 Q. And then as far as you know that \$20 a  
23 month covered the office expense?

24 A. Yes.

25 Q. And do you have any information to suggest

1 that World Financial Group, that is the corporate  
2 entity, provided any reimbursement to anyone for  
3 that office space?

4 **A. I would not know.**

5 Q. Do you know if somebody who becomes  
6 associated with World Financial Group is required to  
7 open an office space as a formal office space as  
8 opposed to working out of their home or something  
9 like that?

10 **A. They are not required to.**

11 Q. All right. You worked out of an office  
12 space that you shared with a number of other people  
13 associated with World Financial Group, though.

14 **A. Yes.**

15 Q. Were there supplies in that office?

16 **A. Yes, sir.**

17 Q. Were there computers?

18 **A. There was personal computers, yes.**

19 Q. As you understood it, were those the  
20 personal computers of the individuals who were  
21 associated with World Financial Group?

22 **A. Yes.**

23 Q. Those were not necessarily corporate  
24 computers.

25 **A. They were not corporate computers.**



1 Q. Were there office supplies like printers,  
2 paper, pens, that sort of thing?

3 A. Printers, pen, table, coffee machine,  
4 conference room, white board.

5 Q. How were those paid for?

6 A. Us. We were -- that's part of the  
7 contribution we were making every month.

8 Q. So the individual associates who were  
9 affiliated with World Financial Group were paying  
10 for all the office supplies as well.

11 A. Yes.

12 Q. It wasn't being reimbursed or paid for by  
13 World Financial Group.

14 A. I don't know who was really paying for it,  
15 but I know we were contributing to it.

16 Q. You don't have any information or evidence  
17 to suggest that World Financial Group was paying for  
18 it, though.

19 A. Well, the name was on the door and all this  
20 information relating to World Financial Group like  
21 our business location was on World Financial Group  
22 websites, so, I mean, World Financial Group was  
23 involved.

24 Q. But my question was: You don't have any  
25 information or evidence to suggest that World

1 Financial Group was, in fact, paying for the office  
2 space or the office supplies. You have inferred  
3 that based on the fact that it said World Financial  
4 Group on the door.

5 **A. Right.**

6 Q. But you don't know of any information to  
7 suggest that that was true.

8 **A. I -- I would not know.**

9 Q. We've talked now about business cards and  
10 postings on websites like Indeed.com and Jobs.com.  
11 Were there any other things that you personally did  
12 of a creative nature to try and attract customers or  
13 recruits during the time you were associated with  
14 World Financial Group?

15 **A. That's about it, PowerPoints, on-line**  
16 **posting, presentation, team meeting.**

17 Q. Team meetings, you mentioned earlier and  
18 elsewhere in some of the documents that you provided  
19 that you were required to attend team meetings,  
20 correct?

21 **A. Yes, sir.**

22 Q. Did you receive any correspondence from  
23 World Financial Group corporate in Johns Creek,  
24 Georgia that told you that you had to attend  
25 meetings?

1           **A. I received a phone call from people who**  
2   **represent World Financial Group, yes.**

3           Q. Who called you?

4           **A. But to know their location, like I've**  
5   **mentioned, Mr. Chang.**

6           Q. Oh, okay. All right.

7           **A. Christian.**

8           Q. All right. So Christian and Don Chang  
9   would have informed you that you had to attend  
10 meetings, correct?

11          **A. Correct.**

12          Q. My question was: Are you aware of having  
13 ever received a -- an instruction to anyone who was  
14 an employee of World Financial Group at the  
15 corporate level that you had to attend a meeting?

16          **A. No, sir.**

17          Q. Or that you had to work a certain number of  
18 hours.

19          **A. Well, I was not contacted directly by the**  
20 **headquarters, corporate office.**

21          Q. That's my question.

22          **A. So no.**

23          Q. Any instructions that you would have been  
24 given with respect to hours that you were present,  
25 meetings that you have attended, were all provided

1 to you by the folks that we've talked about today  
2 specifically, right? Don Chang, Laura Chang,  
3 Christian, Stefan, people like that, correct?

4 **A. Yes.**

5 Q. One thing I wanted to ask you before we  
6 move on, Mr. Destin, is how many different  
7 presentations would you say that you gave during the  
8 course of the time that you were associated with  
9 World Financial Group?

10 **A. How many presentation total?**

11 Q. Yeah.

12 **A. I would not know the exact number.**

13 Q. Can you estimate?

14 **A. Of course. At least three presentation**  
15 **day. So multiply by five times a week on after.**

16 Q. And how soon after you became associated  
17 with World Financial Group did you start giving  
18 presentations?

19 **A. On my own?**

20 Q. Let's take with someone else first, and  
21 then you can tell me on your own.

22 **A. With someone else, within the first two**  
23 **weeks, at least within the first week, with someone**  
24 **else.**

25 Q. Who was the someone else?

1           **A. Same people we talked before.**

2           Q. Aline, Christian, Stefan, Jennifer?

3           **A. Yes, correct. And on my own, about two**  
4           **weeks after I started, three weeks.**

5           Q. You've mentioned in a couple different  
6           documents that you spent time cold calling.

7           **A. Yes.**

8           Q. But as I understand it, in addition to  
9           making any calls you also spent -- sounds like you  
10          spent some time making presentations, including  
11          within the first two weeks after you became  
12          associated with World Financial Group, right?

13          **A. Yes.**

14          Q. And some of the time you spent was also  
15          spent in meetings, correct?

16          **A. Yes.**

17          Q. And some of the time you also spent a  
18          significant amount of time outside the office,  
19          either at home or on the road, trying to make sales,  
20          correct?

21          **A. Yes.**

22          Q. Was it fair to say that you understood one  
23          of your primary responsibilities in connection with  
24          your affiliation with World Financial Group, to try  
25          and sell products, either of a securities variety

1 or, sounds like in your case, life insurance?

2 A. If it's fair? A fair statement? Well,  
3 it's fair to say that yes, sales was an important  
4 focus for the company, yes. But again, I'd like to  
5 add to that that the recruiting part was part of it.

6 Q. Sure. One of the things that you did as a  
7 primary focus was to sell, correct?

8 A. Yes.

9 Q. In fact, you were also selling association  
10 with World Financial Group, in a manner of speaking,  
11 correct?

12 A. Yes.

13 Q. At any point in time did you submit any  
14 sort of expense report for any of the expenses that  
15 you incurred in the course of your efforts to sell  
16 or to recruit in connection with your association  
17 with World Financial Group?

18 A. I did not submit it.

19 Q. Did anyone ever tell you that you could?

20 A. Yes.

21 Q. They did tell you that you could?

22 A. Yes, sir.

23 Q. Who told you that you could submit an  
24 expense report?

25 A. Aline.

1 Q. Aline did?

2 A. Uh-huh.

3 Q. Did you try to?

4 A. I just didn't do it. I had a shoe box full  
5 of receipt, gas receipt, expenses, anything that  
6 could be related to my work.

7 Q. Do you know if Aline ever submitted an  
8 expense report?

9 A. I don't know, sir.

10 Q. Did she tell you who to submit an expense  
11 report to?

12 A. No.

13 Q. Did she give you an address?

14 A. No.

15 Q. Or a contact?

16 A. No.

17 Q. When the Aline tell you this? Was it when  
18 she was recruiting you or was it later?

19 A. That was at the time I got recruited, yes.  
20 That was supposedly one of the perqs.

21 Q. So Aline told you when she was recruiting  
22 you that if you incurred expense you could be  
23 reimbursed for it?

24 A. Yes, sir.

25 Q. After you became associated with World

1 Financial Group did you do anything to investigate  
2 that?

3 **A. Not really.**

4 Q. And you came to understand that you would  
5 have to incur these expenses on your own?

6 **A. Of course at some point, yes, I understood**  
7 **that.**

8 Q. Do you recall when in connection with your  
9 association with World Financial Group you found  
10 that out? Was that a month in? Two months in?

11 **A. By the end of the year.**

12 Q. By the end of 2010.

13 **A. By the end of 2010.**

14 Q. So that was something that you knew for  
15 the -- for all of 2011 while you were associated  
16 with World Financial Group.

17 **A. Yes, sir.**

18 Q. Through June of 2011.

19 **A. (Nods head affirmatively.)**

20 Q. Mr. Destin, I'd like to show you what's  
21 been marked as Exhibit Number 9. And Exhibit Number  
22 9, I will represent to you, are your responses to  
23 World Financial Group's requests for documents. And  
24 I don't want to spend a lot of time walking through  
25 every single request. There were quite a few of



1       them, more than 40 different requests for documents.

2               We've only received a handful of documents  
3       from you. And as I understand it, the documents  
4       that we've gotten from you are the welcome e-mail, a  
5       pair of W-2s for 2011 and 2012, correct?

6           **A. 2011, yes.**

7           Q. I think we received two of them.

8           **A. Did you?**

9           Q. I believe so. Well, we'll check.

10          **A. Right.**

11          Q. We've got those here. But W-2s.

12          **A. Uh-huh.**

13          Q. Your resume.

14          **A. Yes.**

15          Q. We received the cover page to a book.

16          **A. Yes.**

17          Q. Written by Xuan Nguyen.

18          **A. Uh-huh.**

19          Q. We've received a document that is called  
20       Business Format System.

21          **A. Correct.**

22          Q. That was a document that you provided,  
23       about 100 pages in length.

24          **A. Yes.**

25          Q. And that book, the Business Format System,

1 that is a book that you purchased?

2 **A. Yes, sir.**

3 Q. And the other book written by Xuan Nguyen,  
4 that is a book that you purchased?

5 **A. Yes, sir.**

6 Q. Were you reimbursed for that purchase at  
7 all?

8 **A. No, sir.**

9 Q. And you were not provided those books by  
10 World Financial Group, correct?

11 **A. I bought them from the World Financial**  
12 **Group website.**

13 Q. What I meant was you were not gifted those  
14 by World Financial Group. You had to pay for them  
15 yourself.

16 **A. I had to pay for it, yes, sir.**

17 Q. There are a number of different requests in  
18 this set of doc requests, and my question to you,  
19 Mr. Destin, is: Aside from the documents that we  
20 have received, and I just went through the list, the  
21 two books, one of which was just a cover page, the  
22 welcome e-mail, the resume and the W-2s, are there  
23 any other documents that you have located relating  
24 to your association with World Financial Group?

25 **A. No, sir.**

1           Q. And I just want to be clear on this,  
2   because you're under oath and I'm going to -- I've  
3   had some concerns about the extent to which we've  
4   received everything. You were associated with World  
5   Financial Group for going on nine months, and I just  
6   want to be sure that your testimony is clear, that  
7   the only documents that you still possess that  
8   relate in any way to your association with World  
9   Financial Group are the documents that I just  
10   listed; is that correct?

11           **A. Yes, it is correct.**

12           Q. Did you provide to your counsel any other  
13   documents relating to your association with World  
14   Financial Group? And I will provide one caveat.  
15   Mr. Wolfe provided to me today a copy of a  
16   solicitation that you received relating to the  
17   lawsuit, which to some degree bears on your  
18   association with World Financial Group.

19           Aside from those documents are there any  
20   documents that you provided to your counsel that  
21   relate to your association with World Financial  
22   Group?

23           **A. No, there is no other documents.**

24           Q. At any time did -- did you receive an  
25   instruction that related to your obligations to

1 preserve documents as a party in this case?

2 MR. WOLFE: Objection, privileged. Don't  
3 answer the question.

4 BY MR. BLACK:

5 Q. I'm not asking for any communications you  
6 had with your counsel, but has anyone ever told you  
7 that you had any obligations to preserve documents  
8 in connection with your role in this case?

9 MR. WOLFE: Other than his lawyers?

10 MR. BLACK: Other than his lawyers.

11 MR. WOLFE: All right, you can answer that.

12 **A. No.**

13 BY MR. BLACK:

14 Q. Do you have an understanding of whether you  
15 have an obligation to preserve documents in  
16 connection with this lawsuit?

17 MR. WOLFE: Same objection, it's the same  
18 question, just asked another way.

19 **A. I want to keep the documents.**

20 Q. Do you understand whether you have a legal  
21 obligation to do so?

22 MR. WOLFE: Objection.

23 **A. I don't know if I have a legal obligation**  
24 **to do so.**

25 Q. As you sit here you don't know if you have

1 one?

2 MR. WOLFE: Objection.

3 A. I'm not required to -- I was not required  
4 to.

5 BY MR. BLACK:

6 Q. And we've talked on a number of occasions  
7 today about your efforts to look for documents. Is  
8 there anything else that you've done to look for  
9 documents or to try to preserve documents that  
10 relate to your association with World Financial  
11 Group?

12 A. I did, went through boxes, everything,  
13 everything possible, my desk. I had a nametag at a  
14 certain point, World Financial Group nametag with my  
15 name on it.

16 Q. Yes.

17 A. That I can't -- I probably toss it.

18 Q. We talked at the very beginning of the day  
19 about how it was you learned about this lawsuit, and  
20 I believe you told me you received an e-mail from  
21 Mr. Ambinder; is that right?

22 A. Yes, sir.

23 MR. BLACK: Could we go off for just a  
24 second.

25 THE VIDEOGRAPHER: We're off the record,

1 the time is 3:03.

2 (Recess)

3 THE VIDEOGRAPHER: And we are back on the  
4 record, the time is 3:04. You may continue, sir.

5 BY MR. BLACK:

6 Q. Mr. Destin, you told us earlier that you  
7 received an e-mail solicitation from Mr. Ambinder  
8 informing you about the lawsuit.

9 A. Yes.

10 Q. I want to show you --

11 MR. BLACK: Well, let's mark this, please.

12 (Defendants' Exhibit 14 marked)

13 BY MR. BLACK:

14 Q. Mr. Destin, I'm showing you what's been  
15 marked as Exhibit Number 14. This was a document  
16 provided to us today by your counsel, Mr. Wolfe, and  
17 our understanding is this is a copy of the e-mail  
18 that you received from Mr. Ambinder. Can you look  
19 at this document and tell me if you recognize it as  
20 such?

21 A. Yes, sir.

22 Q. And your testimony earlier was that you  
23 contacted Mr. Ambinder within I think 48 hours of  
24 receiving the notice?

25 A. Yes.

1 Q. And you had a conversation with  
2 Mr. Ambinder after receiving the notice?

3 A. Yes, sir.

4 Q. And during that conversation, which as I  
5 understand it lasted about 20 minutes, you spoke to  
6 Mr. Ambinder about the lawsuit?

7 MR. WOLFE: Objection, privileged. Don't  
8 answer that question.

9 A. We didn't talk about the lawsuit.

10 MR. WOLFE: Jordan, don't answer that  
11 question.

12 BY MR. BLACK:

13 Q. During the call with Mr. Ambinder did you  
14 ask him questions about the lawsuit?

15 MR. WOLFE: Same objection, privileged.  
16 I'm going to instruct him not to answer any  
17 questions that go to the subject matter of the  
18 communications he's had with his attorney.

19 BY MR. BLACK:

20 Q. At the time that you had this call with  
21 Mr. Ambinder had you retained him as your counsel?

22 A. Yes.

23 Q. As I understand it, you received the e-mail  
24 and then you made contact with Mr. Ambinder,  
25 correct?

1           **A. Yes.**

2           Q. And within the first minute of that call,  
3 I'd say, had you already retained Mr. Ambinder to  
4 represent you?

5           **A. No.**

6           Q. Were you asking Mr. Ambinder questions  
7 about the lawsuit?

8           **A. I wanted to know what it was about.**

9           Q. You had a 20-minute phone call?

10          **A. About 20 minutes, that would be fair.**

11          Q. And as I understand it, growing out of that  
12 phone call Mr. Ambinder sent to you a draft of a  
13 declaration for you to review?

14          **A. Yes.**

15          Q. There was a declaration signed by you that  
16 has been filed in support of a motion that's been  
17 filed in the case, it's called a motion for  
18 conditional certification. Do you know whether the  
19 declaration that you signed was provided to the  
20 court in support of that motion?

21          **A. I don't know the answer to that question.**

22          Q. This document that I have in front of you,  
23 did you receive -- is this the only e-mail of this  
24 sort that you received from Mr. Ambinder or did you  
25 receive others?



1           **A. From Mr. Ambinder that's the only e-mail I**  
2   **received.**

3           Q. Did you receive an e-mail from anyone else  
4   that looked like this one?

5           **A. I received other e-mail, but nothing like**  
6   **this one.**

7           Q. What other e-mail did you receive?

8           **A. The followup of the document, once I was**  
9   **doing the complaint.**

10           MR. WOLFE: Don't answer --

11           MR. BLACK: And I want to be clear, Steve.

12   BY MR. BLACK:

13           Q. I do not want you to -- if that was a  
14   communication with Mr. Ambinder providing that draft  
15   declaration, I don't want you to disclose the  
16   contents of that communication.

17           **A. Of course.**

18           Q. So my question is: This document here,  
19   which, I think, using your own words, you described  
20   this morning as a solicitation.

21           **A. Yes.**

22           Q. Is this the only solicitation that you  
23   received in connection with this lawsuit, or did you  
24   receive any other solicitations, whether by e-mail  
25   or by regular mail?

1           **A. That would be the only one I received.**

2           Q. Okay. At any time did you receive any  
3           solicitations by telephone?

4           **A. No, sir.**

5           Q. And you read this document and became  
6           interested enough to call counsel and find out more  
7           about the lawsuit?

8           **A. That is correct.**

9           Q. So this was sent to you on June 27th of  
10          2013, correct?

11          **A. Correct.**

12                   (Defendants' Exhibit 15 marked)

13          BY MR. BLACK:

14          Q. Mr. Destin, I'm showing you what's been  
15          marked as Exhibit 15. Can you look at this document  
16          and tell me if you recognize it?

17          **A. That's me, right here, yeah.**

18          Q. All right. And the very last page of this  
19          document is a document that is captioned consent to  
20          join FLSA collective action, do you see that?

21          **A. Yes, I do see that.**

22          Q. And your name is signed there?

23          **A. It is.**

24          Q. Is that your handwriting?

25          **A. It's my handwriting.**

1 Q. And that's your signature?

2 A. It's my signature.

3 Q. When you originally provided this document  
4 were your address, ZIP Code, phone number, e-mail  
5 address all legible?

6 A. Yes.

7 Q. And so to the extent they're blacked out on  
8 this document, you did not black that out?

9 A. I did not black that out.

10 Q. You signed this on July 1st of 2013,  
11 correct?

12 A. Yes.

13 Q. So you decided to become a participant in  
14 this lawsuit within three to four days after  
15 receiving the initial solicitation from  
16 Mr. Ambinder?

17 A. Yes.

18 Q. And am I correct to understand that between  
19 the time you received the solicitation and your  
20 consent to opt in, you had had only one 20-minute  
21 conversation with Mr. Ambinder?

22 A. That's the only conversation I can recall,  
23 yes.

24 Q. And that's the conversation during which  
25 you asked questions about the lawsuit and had a

1 draft declaration provided to you following the  
2 conversation.

3 **A. Yes, sir.**

4 Q. If you would, just set numbers 14 and 15  
5 just to the side for a moment, just to keep things  
6 organized. And I just want to show you one more  
7 document before I return back to those.

8 Mr. Destin, I'm showing you what's been  
9 marked as Exhibit Number 10. I showed you earlier a  
10 set of responses to requests for documents.

11 **A. Yes.**

12 Q. This is, in fact, a set of responses to  
13 requests for documents that were provided after that  
14 set that I showed you. That set had been marked as  
15 Exhibit, I believe as Exhibit 9. This is a  
16 supplemental set, and I will ask you for this the  
17 same question that I asked before, and that is: Is  
18 it the case that every single document that you have  
19 that relates in any way to your association with  
20 World Financial Group, you have searched for and  
21 provided to your counsel?

22 **A. Yes, sir.**

23 Q. If you will, take a look at page 7 of this  
24 document, that is the document marked as Exhibit 10.  
25 There is a request here that asks you to provide,

1 quote, all documents created at any time from June  
2 18th, 2008 to the present describing or identifying  
3 your alleged, quote, work, end quote, experience, or  
4 the tasks that you claim to have performed while  
5 associated with defendant, or any other entity, at  
6 any time during the period from June 18th, 2008 to  
7 the present, including but not limited to, and then  
8 it lists a whole range of examples of documents.

9 Do you see that request?

10 **A. I do.**

11 Q. And in response to that request there are  
12 objections. And then there is a response, do you  
13 see that?

14 **A. Uh-huh.**

15 Q. Now, the first question that I want to ask  
16 you is the same question I asked you earlier with  
17 respect to your interrogatories.

18 Are you aware that your counsel -- and when  
19 I say your counsel let me be clear, that I  
20 understand it to be the New York counsel that is  
21 representing you -- did not provide responses to  
22 these interrogatories in a timely fashion such that  
23 any objections that you might have asserted to  
24 producing certain of this information was, in fact,  
25 waived?

1 MR. WOLFE: Objection.

2 BY MR. BLACK:

3 Q. Did you know that before today?

4 MR. WOLFE: Objection.

5 A. I didn't know.

6 BY MR. BLACK:

7 Q. You didn't know. Now, with respect to this  
8 request, number 10, asking you to provide any  
9 documents that might describe or identify your  
10 alleged work experience or the tasks you claim to  
11 have performed, you refer defendant to Exhibits J, H  
12 and D. Do you see that?

13 A. Yes.

14 Q. Do those numbers or letters mean anything  
15 to you?

16 A. No, sir.

17 Q. Okay. I will represent to you that when  
18 your documents were produced to World Financial  
19 Group as part of this lawsuit they were produced  
20 with an exhibit letter.

21 A. Okay.

22 Q. Exhibit J is the document called Business  
23 Format System.

24 A. Okay.

25 Q. About 100-page document that you provided.

1           **A. Which is the book.**

2           Q. The book.

3           **A. Which is one of the book, okay.**

4           Q. Exhibit H is your resume.

5           **A. Okay.**

6           Q. And Exhibit D is your declaration.

7           **A. Okay.**

8           Q. So I just want to ask you -- I have you  
9 here under oath -- is it your testimony that the  
10 only documents that you have that describe or  
11 identify your alleged work experience or the tasks  
12 that you claim to have performed while you were  
13 associated with World Financial Group are the  
14 Business Format System document, your resume, which  
15 I assume you wrote?

16          **A. Correct.**

17          Q. And your declaration.

18          **A. Well, that's not it.**

19          Q. Oh, well, what else is there?

20          **A. The other book, second book.**

21          Q. Okay. So the --

22          **A. Which we mentioned earlier.**

23          Q. And when you say the other book, that is a  
24 document that is the book authored by Xuan Nguyen?

25          **A. Correct.**

1 Q. Okay. What else is there?

2 A. And the tax return, I don't know if it  
3 should be included as an exhibit too.

4 Q. Any other documents that relate to or would  
5 describe the work or the tasks that you performed?

6 A. No, sir.

7 Q. The request after this one asks you to  
8 produce any and all documents which reflect  
9 communications between you and any actual or  
10 prospective customers and/or clients, do you see  
11 that? It's at the bottom of this page 7, number 11.

12 A. Correct.

13 Q. In response to this request you have  
14 identified at the top of page 8, or your counsel has  
15 identified the document labeled as Exhibit J, do you  
16 see that?

17 A. Yes.

18 Q. I will represent to you that is that  
19 welcome e-mail.

20 A. Okay.

21 Q. That's the only document that you've  
22 identified here. Is it the case that you do not  
23 possess any documents that would reflect  
24 communications between you and any of your actual or  
25 prospective customers or clients other than that



1 welcome e-mail?

2 **A. It is correct.**

3 Q. So any of the solicitations that you might  
4 have sent, communications you sent to prospective  
5 customers, you don't possess those anymore.

6 **A. I do not possess those.**

7 Q. Did you during the course of your  
8 association with World Financial Group send any  
9 letters or e-mail communications to prospective  
10 customers?

11 **A. Customers?**

12 Q. Prospective customers or recruits.

13 **A. Yes, sir.**

14 Q. How did you decide to do that?

15 **A. It's a followup, mainly. So when we meet  
16 up with the person it's always good to do a followup  
17 e-mail just to remind them that we are -- even if  
18 they were not interested in joining the company in  
19 the first place, then we can always, you know, join  
20 the actual group meeting.**

21 Q. And so you thought it was a good idea after  
22 you met with someone to send a followup  
23 communication that would simply reiterate maybe what  
24 you had said during the meeting?

25 **A. Yes, that is correct.**

1           Q. And did you write those communications  
2 yourself?

3           **A. No, I was following a template.**

4           Q. And what template were you following?

5           **A. Just a basic draft e-mail, business format.**

6           Q. Is that something that was provided to you  
7 by the folks higher than you in your hierarchy?

8           **A. It was the e-mail we were supposed to --**  
9 **yeah, yeah.**

10          Q. Was that provided to you by Christian?

11          **A. It was provided to me by my team members.**  
12 **To tell you who, I don't recall, but it was them**  
13 **that provided it to me, yes.**

14          Q. That document was not provided to you by  
15 anyone associated with World Financial Group at the  
16 corporate level, that is, anyone located in Johns  
17 Creek, Georgia.

18          **A. No, it was not.**

19          Q. You mentioned earlier in the deposition  
20 that from time to time you would call individuals  
21 whose contact information was on lists provided to  
22 you, right?

23          **A. Yes, sir.**

24          Q. Those were lists provided to you by others  
25 in your hierarchy?

1           **A. They were provided to me by the same team**  
2   **people, yes.**

3           Q. Not by World Financial Group at the  
4   corporate level, but by the people in Las Vegas with  
5   whom you had an association.

6           **A. It was provided, yes, by the office in Las**  
7   **Vegas.**

8           Q. And as you sit here today do you have any  
9   of those lists still?

10          **A. No, sir.**

11          Q. Did you keep any of those lists after you  
12   ended your association with World Financial Group?

13          **A. No, sir.**

14          Q. Did you keep any documents relating to your  
15   relationship with World Financial Group after you  
16   ended that relationship?

17          **A. No, sir.**

18          Q. You left everything behind?

19          **A. I discarded everything, yes.**

20          Q. You did. And that was in June 2011 when  
21   you ended your relationship with World Financial  
22   Group?

23          **A. It was right after when I moved out, I just**  
24   **did a massive cleanup and --**

25          Q. This is when you moved out of the condo

1 that was between REDACTED

2 **A. And I bought my house, correct.**

3 Q. Turn, if you will, to page 12 of this  
4 document, please. And I want to focus your  
5 attention on the document request number 24, it's in  
6 the middle of the page.

7 **A. Okay.**

8 Q. And this asks that you produce any  
9 documents that comprise, reflect or include any  
10 communication, complaint or inquiry made by you to  
11 defendant, that is World Financial Group, or any  
12 other individual about the classification of your  
13 relationship with defendant as an independent  
14 contractor. Do you see that?

15 **A. Yes, I do.**

16 Q. At any point did you attempt to contact  
17 World Financial Group to clarify or to ask questions  
18 about the nature of your relationship?

19 **A. With the company?**

20 Q. Yes.

21 **A. I didn't call anybody, no.**

22 Q. Did you make any complaint to the company  
23 about how you were classified?

24 **A. Yes.**

25 Q. To whom at World Financial Group did you

1 complain?

2 **A. The person in charge of the office.**

3 Q. That is, the person in Las Vegas above you  
4 in the hierarchy who was in charge of the office.

5 **A. That was the person in charge of the**  
6 **office, and he was in charge of -- the office, so he**  
7 **was in charge of all the teams in the Las Vegas**  
8 **office, yes.**

9 Q. Who was that person?

10 **A. His name is Daniel -- his name was Daniel.**  
11 **I don't know his last name.**

12 Q. And do you know by whom Daniel was  
13 employed, if anyone?

14 **A. I would assume World Financial Group.**

15 Q. Do you know for certain he was employed by  
16 World Financial Group?

17 **A. I would not know.**

18 Q. Could he have been employed by someone in  
19 your hierarchy who hired him to manage the office?

20 **A. I don't know.**

21 Q. You don't -- as you sit here, you don't  
22 know by whom Daniel was employed.

23 **A. Correct.**

24 Q. What was Daniel's last name?

25 **A. I don't know.**

1           Q. Was Daniel in charge of the office for the  
2           entire time that you were associated with World  
3           Financial Group?

4           **A. Correct.**

5           Q. And you said you complained to Daniel about  
6           the fact that you were classified as an independent  
7           contractor?

8           **A. No, I complained to him to know what**  
9           **exactly was my job position.**

10          Q. You complained to him to find out what your  
11          proper title was?

12          **A. What my proper title was, yes.**

13          Q. What -- did Daniel tell you anything?

14          **A. He told me I was an associate.**

15          Q. And was your concern that you had been told  
16          by, I think by Aline that you would be called a  
17          financial advisor?

18          **A. Not only by Aline, but that's what -- how**  
19          **people were calling themselves, not only me but**  
20          **other people in the offices, yes.**

21          Q. And you clarified that with Daniel, who  
22          told you that you were an associate, correct?

23          **A. Correct.**

24          Q. Did you push back on Daniel at all when he  
25          told you that or did you just accept his answer?

1           **A. I just took his answer, yes.**

2           Q. Did you make any complaints to Daniel about  
3 the fact that you were classified as an independent  
4 contractor?

5           **A. No, but I made complaint to Daniel that I**  
6 **wanted to switch teams.**

7           Q. Okay. So you asked Daniel to switch  
8 teams --

9           **A. Correct.**

10          Q. -- that is to get away from your hierarchy  
11 and to work instead with another group of  
12 individuals who were associates with World Financial  
13 Group?

14          **A. Correct, or at least not work with**  
15 **Mr. Christian.**

16          Q. When did you complain to Daniel that you  
17 wanted to no longer work with Christian?

18          **A. It was as well at the end of 2010, at the**  
19 **end of the year, 2010.**

20          Q. Did Daniel tell you one way or the other  
21 whether you could stop working with Christian?

22          **A. He told me, You can't.**

23          Q. And did he tell you why?

24          **A. Yes.**

25          Q. Why?

1           **A.** Because once you are inside that pyramid  
2   you cannot basically jump a level, you cannot remove  
3   people either, it's one -- and even if you -- you  
4   sell your product, you make your commission, even if  
5   it benefit the person above you, if you do not get  
6   along with that person, that's the way it's supposed  
7   to be.

8           **Q.** And so you had been recruited to become an  
9   associate with World Financial Group by someone whom  
10   Christian had recruited, and therefore you were part  
11   of that hierarchy, correct?

12          **A.** Yes.

13          **Q.** And that was the nature of your  
14   relationship with -- at World Financial Group,  
15   regardless of how long you were affiliated with  
16   them.

17          **A.** Yes.

18          **Q.** The same way that if you had recruited  
19   someone and then they had recruited someone, they  
20   would always be down the line in the hierarchy to  
21   you.

22          **A.** Always related to me, yes.

23          **Q.** And you would end up providing instruction  
24   to them.

25          **A.** Correct.



1 Q. Based on whatever philosophy you thought  
2 would best suit the ability to recruit customers and  
3 recruit additional associates, correct?

4 A. Yes.

5 Q. Okay. I want to turn your attention back,  
6 Mr. Destin, to what we marked as Exhibit 15, which  
7 is your notice of consent to join. You've got that  
8 in front of you?

9 A. I do.

10 Q. We've already confirmed that that is your  
11 signature on the last page. When you signed this  
12 document did you have any understanding of what it  
13 meant to become an opt-in plaintiff in a lawsuit  
14 like this?

15 A. Yes.

16 Q. What was your understanding?

17 A. My understanding is I will be the person  
18 representing the other people.

19 Q. You understood that as an opt-in plaintiff  
20 in a lawsuit you would be representing other people?

21 A. Well, I would --

22 MR. WOLFE: Jordan, before you answer, let  
23 me just -- if you have an understanding, an answer  
24 to Rich's questions that comes from something other  
25 than conversations with us, go ahead and answer, but

1 don't tell Rich anything that you've talked about  
2 with the attorneys.

3 MR. BLACK: Yeah, and I'm not looking for  
4 you to -- consistent with what we talked about  
5 earlier, I'm not looking for you to share any  
6 conversations you had with counsel.

7 BY MR. BLACK:

8 Q. My question is: What did you understand  
9 your role to be as an opt-in plaintiff in this case?  
10 If you had that understanding?

11 A. Well, to me, opt-in would be that I'm  
12 actually joining a lawsuit already in place.

13 Q. And now more recently, you have sought to  
14 become the named plaintiff in this lawsuit.

15 A. Correct, yes.

16 Q. And do you have an understanding of what  
17 your responsibilities are as a named plaintiff  
18 should the court grant the motion that would permit  
19 you to do so?

20 A. I'm not following you.

21 Q. Sure. Let me rephrase that.

22 Do you understand right now that there is a  
23 request before the court for you to be able to file  
24 a complaint that identifies yourself as the named  
25 plaintiff in the case?

1           **A. Yes.**

2           Q. Do you know whether the court has granted  
3 that request yet?

4           **A. I don't know.**

5           Q. I will represent to you that the court has  
6 not yet.

7           **A. Okay.**

8           Q. And so my question is: Insofar as you are  
9 seeking to become the named plaintiff in this  
10 lawsuit, what do you understand your  
11 responsibilities to be as a named plaintiff in the  
12 lawsuit?

13           **A. My responsibilities is to provide as much**  
14 **information as possible about my previous employment**  
15 **with World Financial Group and represent people that**  
16 **may have been in my situation.**

17           Q. And we talked earlier about some language  
18 that was in one of your documents, I think an  
19 interrogatory response that referred to similarly  
20 situated individuals, do you recall that?

21           **A. Yes.**

22           Q. And I think your testimony was the folks  
23 that you were associated with in Las Vegas up to but  
24 not including Don Chang are the groups of people  
25 that you think you would be representing in this

1 lawsuit; is that right?

2 MR. WOLFE: Objection.

3 A. I would represent whoever worked for the  
4 company at the same time I did, and that falls under  
5 the same loss that I did, that were part of that  
6 pyramid scheme.

7 Q. In the same role that you were in, that is  
8 the role of associate?

9 MR. WOLFE: Same objection.

10 A. That is the role of people who never got  
11 paid for what they worked for.

12 MR. BLACK: Why don't we go ahead and take  
13 a break, we'll change the tape and maybe take 10, 15  
14 minutes.

15 MR. WOLFE: Whatever you need.

16 THE VIDEOGRAPHER: Stand by, please. We're  
17 off the record, the time is 3:29, this is the end of  
18 Tape 2.

19 (Recess)

20 THE VIDEOGRAPHER: And we are back on the  
21 record, the time is 3:54. This is the beginning of  
22 Tape 3 of the videotaped deposition of Jordan  
23 Destin.

24 You may continue, sir.

25 (Defendants' Exhibit 11 marked)

1 BY MR. BLACK:

2 Q. Mr. Destin, I want to show you what's been  
3 marked as Exhibit 11.

4 A. Thank you.

5 Q. Mr. Destin, you testified earlier that you  
6 had provided a tax return in connection with this  
7 case, and the document I've provided to you which  
8 has been identified to us as Exhibit T is a tax  
9 return for 2011. Do you see that?

10 A. Yes, sir.

11 Q. Is this, in fact, your tax return for 2011?

12 A. It is my tax return.

13 Q. The first question I have is we talked  
14 before the break about the fact that you had loss  
15 associated with your association with World  
16 Financial Group. You had certain expenses, you  
17 ultimately didn't recoup those because you didn't  
18 become licensed and didn't receive commissions. Did  
19 you take that loss or declare that loss on any of  
20 your tax returns?

21 A. No.

22 Q. You did not, okay. And you were affiliated  
23 with World Financial Group in 2010 as well, correct?

24 A. Yes.

25 Q. And you have not, though, provided your tax

1 return for 2010. Why is that?

2 **A. I can't find it.**

3 Q. You've searched for it?

4 **A. I did search for it, yes.**

5 Q. What did you do to search for it?

6 **A. I keep all my tax returns together, and I**  
7 **don't have 2010 and previous years.**

8 Q. So the most recent year for which you have  
9 a tax return is 2011?

10 **A. Yes.**

11 Q. And I note on this tax return there are  
12 three W-2 forms for Abercrombie & Fitch, Travelscape  
13 and BNC Entertainment.

14 **A. Correct.**

15 Q. I don't see any forms relating to World  
16 Financial Group. You did not receive any, certainly  
17 didn't receive a W-2 form for World Financial Group,  
18 correct?

19 **A. Correct.**

20 Q. And did you receive any kind of 1099 or  
21 other form for World Financial Group?

22 **A. No, sir.**

23 Q. Is it usually your experience, Mr. Destin,  
24 that when you are an employee of a company they  
25 provide you with a W-2 at the end of the year for

1 tax reporting purposes?

2 **A. They do provide me with a W-2, yes.**

3 Q. Have you ever had an employment situation  
4 where you have not been provided with a W-2?

5 **A. No.**

6 Q. My understanding is that you worked for  
7 Abercrombie & Fitch at the same time that you worked  
8 for -- I'm sorry, same time that you had been  
9 associated with World Financial Group; is that  
10 right?

11 **A. That's correct.**

12 Q. And what was your role at Abercrombie &  
13 Fitch?

14 **A. I was an assistant store manager.**

15 Q. Was that a full-time or a part-time  
16 position?

17 **A. It was a full-time position.**

18 Q. And so during the time that you were  
19 associated with World Financial Group you also had a  
20 full-time employment relationship with Abercrombie &  
21 Fitch.

22 **A. It is correct.**

23 Q. And what is Travelscape LLC?

24 **A. Expedia.**

25 Q. You are currently employed by Expedia,

1 correct?

2 **A. Yes, sir.**

3 Q. Is that on a full-time basis?

4 **A. It is a full-time.**

5 Q. And back in 2011 when you were employed by  
6 Expedia and received a W-2 from Travelscape was that  
7 full-time employment?

8 **A. It was full-time employment.**

9 Q. Were you employed on a full-time basis with  
10 Expedia during the time that you were associated  
11 with World Financial Group or did that only occur  
12 after?

13 **A. Only after.**

14 Q. And what is BNC Entertainment?

15 **A. It's a promoting company in Las Vegas.**

16 Q. What was your association with BNC  
17 Entertainment?

18 **A. I was a nightclub promoter.**

19 Q. How long did that association last?

20 **A. Not too long. Two months.**

21 Q. And you were employed by BNC?

22 **A. I was employed by BNC, yes.**

23 Q. And it looks like you received wages in the  
24 amount of \$66. Was that a very short-term  
25 relationship?



1           **A. It was really short-term relationship, yes.**

2           Q. How were you compensated by BNC  
3 Entertainment?

4           **A. Based -- it was a commission job, based on**  
5 **how many people you can get inside a nightclub.**

6           Q. What did you do to try to get people into  
7 the nightclub?

8           **A. Well, you can have like to talk them into**  
9 **the idea that the nightclub you're promoting is the**  
10 **best in town. And I was working for the Bellagio,**  
11 **Aria, Caesar's Palace and the Wynn. So those are**  
12 **among the biggest properties in Las Vegas.**

13          Q. Is BNC Entertainment owned by those  
14 companies?

15          **A. BNC Entertainment is actually a third party**  
16 **company.**

17          Q. And that's by whom you were employed?

18          **A. Yes.**

19          Q. At the onset of that relationship did they  
20 represent to you that you were an employee?

21          **A. Yes.**

22          Q. Did you complete the paperwork that usually  
23 you fill out when you became employed by a company?

24          **A. Yes, sir.**

25          Q. And just so I understand, Travelscape, that

1 is Expedia?

2 **A. That's the actual -- that's the biggest**  
3 **company. They own --**

4 Q. When I see on your resume that you're  
5 employed by Expedia, Travelscape is not a different  
6 entity or some kind of a successor or predecessor  
7 entity, it would be the same.

8 **A. Well, Travelscape would be the equivalent**  
9 **of Aegon, Aegon USA, and then Expedia falls under.**

10 Q. Travelscape is the parent company of  
11 Expedia.

12 **A. Yes.**

13 Q. Before we took a break we were talking  
14 about your having consented to join the lawsuit, do  
15 you recall that?

16 **A. Yes.**

17 Q. Other than the conversation you had with  
18 Mr. Ambinder -- and I'm not asking you to disclose  
19 the contents of that -- did you have a discussion  
20 with anyone else regarding the possibility of  
21 joining this lawsuit as an opt-in plaintiff?

22 **A. Well, I talked to Ms. Suzanne Leeds, which**  
23 **is Mr. Lloyd's associate.**

24 Q. Understood. And I'm not asking you for the  
25 contents of that conversation either.

1 Other than your lawyers did you speak to  
2 anyone else regarding the possibility of joining  
3 this lawsuit?

4 A. No, sir.

5 Q. Did you talk to any other individuals who  
6 had already opted into this lawsuit?

7 A. No, sir.

8 Q. Did you make any effort to communicate with  
9 Michael Cohen, who was the named plaintiff in this  
10 lawsuit?

11 A. No, sir.

12 Q. Did you discuss joining this lawsuit with  
13 any of the individuals with whom you were associated  
14 in Las Vegas in connection with World Financial  
15 Group?

16 A. No, sir.

17 (Defendants' Exhibit 12 marked)

18 BY MR. BLACK:

19 Q. Mr. Destin, I'm showing you what's been  
20 marked as Exhibit 12. Can you tell me if you  
21 recognize this document?

22 A. No, sir.

23 Q. You've never seen this document before?

24 A. No, sir.

25 Q. I will represent to you that this is a copy

1 of the complaint in the case, the original complaint  
2 that was filed in this case and was the operative  
3 complaint at the time that you opted into the  
4 lawsuit.

5 Is it the case, Mr. Destin, that you opted  
6 into this lawsuit as a party without having read the  
7 complaint in this case first?

8 **A. I read my complaint.**

9 Q. You've read the complaint that I referred  
10 to earlier as the proposed amended complaint that  
11 identifies you as the named plaintiff.

12 **A. Yes.**

13 Q. But you've not read any other complaint.

14 **A. No, sir.**

15 Q. And hadn't at the time that you opted into  
16 the lawsuit.

17 **A. No.**

18 Q. If you hadn't read it at the time how did  
19 you know what claims Mr. Cohen was pursuing?

20 MR. WOLFE: Objection. Don't answer that  
21 if that requires you to talk about a conversation  
22 you've had with any of the attorneys. But  
23 otherwise, you can answer that.

24 **A. I'm not answering this question.**

25 BY MR. BLACK:

1 Q. Because you would have to disclose  
2 communications with counsel?

3 A. Yes, sir.

4 Q. And at the time you opted into this lawsuit  
5 what did you understand your claims to be?

6 MR. WOLFE: Same objection. You can answer  
7 that, but not by talking about anything you've  
8 talked about with the attorneys.

9 A. Well, I can't really answer that question  
10 either.

11 Q. Did you not have an understanding of what  
12 your claims were outside of conversations with  
13 counsel?

14 A. I understood my rights.

15 Q. I didn't ask you that. My question is:  
16 Did you have an understanding of what your claims  
17 were in this lawsuit when you opted in, outside of  
18 what you might have been told by counsel?

19 A. Yes. I knew what I was signing for.

20 Q. What did you understand you were signing  
21 for?

22 A. That it was a lawsuit going on, a class  
23 action.

24 Q. At the time that you opted in did you  
25 understand that this was already a class action?

1 MR. WOLFE: Same objection, just -- without  
2 talking about anything you've talked about with the  
3 lawyers, go ahead and answer.

4 A. I was confused with the different terms, to  
5 be honest with you.

6 BY MR. BLACK:

7 Q. When you say different terms, what terms  
8 were confusing to you?

9 A. Class action, lawsuit, opted in, what's the  
10 other term you used, named plaintiffs, to me it's  
11 all the same.

12 Q. You used the term class action a minute  
13 ago. What do you understand that to mean?

14 A. To me the meaning of a class action is a  
15 lawsuit already in place with different entities and  
16 different people.

17 Q. And at the time you opted into this lawsuit  
18 did you understand that this lawsuit was a class  
19 action?

20 A. It was my belief so, yes.

21 Q. And at the time you opted in you had  
22 received the solicitation from Mr. Ambinder on June  
23 27th and had a 20-minute conversation with him,  
24 correct?

25 A. Yes.

1 Q. And the question that I asked you a few  
2 minutes ago that I'm not sure I got an answer to  
3 yet, at the time you opted into this lawsuit did you  
4 have an understanding of what your claims were in  
5 the lawsuit outside of what you may have been told  
6 by counsel? And I'm not asking you to tell me about  
7 your communications with counsel.

8 **A. Yes, I knew what it was.**

9 Q. Okay. I'm not asking if you knew what the  
10 lawsuit was. I'm asking you if you had an  
11 understanding of what your specific claims were in  
12 the lawsuit, outside of what you may have been told  
13 by counsel.

14 **A. Not really.**

15 Q. Prior to seeing the proposed amended  
16 complaint with your name on it, you had not seen any  
17 version of a complaint in this case, is that  
18 accurate?

19 **A. It is accurate, yes, sir.**

20 Q. How long ago did you see that proposed  
21 amended complaint?

22 **A. Define the -- complaint, you mean, are you**  
23 **referring to the original complaint?**

24 Q. I'm referring to the complaint that has  
25 your name on it as the identified plaintiff on the

1 front page. When did you see that for the first  
2 time?

3 **A. It was among the paperwork I received. I**  
4 **could not give you an exact day. But it was**  
5 **definitely between June 27th up to today.**

6 Q. Well, I understand that. Was it in the  
7 last two weeks? Was it in the last three weeks?

8 **A. The last month.**

9 Q. Within the last month you saw that draft  
10 complaint.

11 **A. (Nods head affirmatively.)**

12 Q. Did you review that draft complaint?

13 **A. I did review the draft complaint, yes.**

14 Q. Did you propose any changes to the draft  
15 that you looked at?

16 MR. WOLFE: Objection. Calls for  
17 privileged. Don't answer it.

18 MR. BLACK: I'm not sure that it does,  
19 Steve. My question is simply: Did you ask for any  
20 changes be made to that proposed amended complaint  
21 after you read it?

22 MR. WOLFE: Objection, privileged. Don't  
23 answer that question.

24 MR. BLACK: I'm not asking him what the  
25 substance of it is, Steve, just whether he did.



1 You're going to instruct him not to answer?

2 MR. WOLFE: I'm going to instruct him not  
3 to answer.

4 BY MR. BLACK:

5 Q. Did I understand your testimony earlier,  
6 Mr. Destin, to be that at no point since joining  
7 this lawsuit have you communicated with any other  
8 individuals who were associated with World Financial  
9 Group as an associate regarding this lawsuit?

10 A. It is correct.

11 Q. You've not communicated with them by --  
12 verbally or by written communication, no  
13 communications whatsoever?

14 A. No communication at all.

15 (Defendants' Exhibit 16 marked)

16 BY MR. BLACK:

17 Q. Mr. Destin, I'm showing you what's been  
18 marked as Exhibit 16. Can you tell me if you've  
19 seen that document before, or any document that  
20 looks like it?

21 A. Yes, sir, I did.

22 Q. This is an e-mail from Lloyd Ambinder to  
23 another individual at a Yahoo account dated  
24 Thursday, June 27th. This is an e-mail  
25 solicitation, right?

1           **A. It is.**

2           Q. If you would, take out Exhibit 14 in your  
3 pile, which should be just a few down from that.

4 And I know that they are laid out slightly  
5 differently, but if you would take a look at these  
6 two documents and tell me if as you look at these,  
7 these are identical to one another in substance.  
8 14, of course, being the solicitation that you  
9 received.

10           **A. I'm sorry, I'm just --**

11           Q. Take your time.

12           **A. Beside the layout, I do not see any**  
13 **difference.**

14           Q. And that was my read of them as well,  
15 Mr. Destin. And so the solicitation that I've shown  
16 you as Exhibit 16 looks identical to the  
17 solicitation that you received on the 27th of June  
18 from Lloyd Ambinder, correct?

19           **A. It is, yes, sir.**

20           Q. Okay. Let me mark one more document.

21                   (Defendants' Exhibit 17 marked)

22 BY MR. BLACK:

23           Q. Mr. Destin, I'm showing you what's been  
24 marked as Exhibit 17. And my question is: Have you  
25 seen that document before or any document like it?

1           **A. I did not see this document before.**

2           Q. And I think you testified earlier that you  
3           received one solicitation from Mr. Ambinder, and  
4           that was on the 27th of June?

5           **A. It is correct.**

6           Q. Okay. Mr. Destin, you have recently asked  
7           the court to become the named plaintiff in this  
8           lawsuit, correct?

9           **A. Yes.**

10          Q. As such, you realize that you would, in  
11          effect, be the face of the lawsuit?

12          **A. Uh-huh.**

13          Q. Is that right?

14          **A. I did not know I would be the face of the**  
15          **lawsuit.**

16          Q. But you would be the lead plaintiff in the  
17          lawsuit.

18          **A. But I would be the -- yes.**

19          Q. Are you aware, Mr. Destin, that the federal  
20          judge who is presiding over this lawsuit just about  
21          two weeks ago issued an order finding that the New  
22          York counsel that represents you in this lawsuit  
23          issued solicitations, including the June 27  
24          solicitation that you received, that were improper  
25          and misleading?

1 MR. WOLFE: Objection.

2 A. I didn't know that.

3 (Defendants' Exhibit 18 marked)

4 BY MR. BLACK:

5 Q. Mr. Destin, let me show you what's been  
6 marked as Exhibit 18, and if you would, turn to page  
7 3. At the bottom of the third page, do you see the  
8 section with the Roman numeral II which says  
9 Emergency Motion to Cease and Desist?

10 A. Yes.

11 Q. Right below that it says on June 27, 2013  
12 and August 12, 2013 the Plaintiffs' counsel sent  
13 e-mail solicitations to 400 recipients regarding  
14 this lawsuit.

15 Do you see that.

16 A. I do see that.

17 Q. The next line says both e-mails were in  
18 violation of local Rule 23.1C2, which prohibit  
19 precertification communications prior to a  
20 conference with opposing parties and a report to the  
21 court. Do you see that?

22 A. I do see that.

23 Q. Before today were you aware that New York  
24 counsel who sent you that solicitation and who  
25 represents you had committed that violation?

1 MR. WOLFE: Objection.

2 A. I didn't know.

3 BY MR. BLACK:

4 Q. Take a look at the next page, if you will.

5 And I want to draw your attention to the start of  
6 the first full paragraph on page 4, which says, In  
7 addition to being a rule violation, the e-mail  
8 communications were misleading. The June 27th, 2013  
9 e-mail was misleading because, and if you look at  
10 the rest of page 4 and the top of page 5 there are  
11 five enumerated clauses.

12 If you would, read through those, please.

13 A. Okay. Number one --

14 Q. Oh, you don't have to read them into the  
15 record.

16 A. I'm sorry.

17 Q. Read them to yourself.

18 A. Okay, thank you.

19 Okay.

20 Q. Before today, Mr. Destin, are you aware of  
21 the court's finding that the e-mail communications  
22 sent by your New York counsel were misleading?

23 MR. WOLFE: Objection.

24 A. I didn't know.

25 Q. Have you ever seen this document before

1 today?

2 **A. I've never seen this document before.**

3 Q. It was after -- this document was issued on  
4 September 20th of this year.

5 **A. Okay.**

6 Q. It was after September 20th of this year  
7 that you were asked to assume the role of the lead  
8 plaintiff in this case, isn't it?

9 MR. WOLFE: Objection, calls for privilege.

10 **A. I don't recall the day I've been asked.**

11 BY MR. BLACK:

12 Q. At any time before you committed to  
13 becoming a lead plaintiff in this case did New York  
14 counsel advise you of this finding?

15 MR. WOLFE: Objection. He can't answer the  
16 question.

17 Don't answer that question, he's asking you  
18 for an attorney/client communication.

19 I've instructed him not to answer.

20 BY MR. BLACK:

21 Q. Are you going to answer my question?

22 **A. I won't, I'm sorry.**

23 Q. Let me ask you this: At any point before  
24 you committed to becoming the lead plaintiff in this  
25 case were you aware of this finding?

1           **A. I wasn't aware.**

2           Q. Earlier we talked about the fact the  
3           discovery responses, in response to the requests  
4           that World Financial Group made, were served on your  
5           behalf late, such that all of the objections that  
6           you might have otherwise asserted in response to  
7           them had been waived. You learned that for the  
8           first time today too; is that right?

9           **A. I -- yes.**

10          Q. Does that fact and this order give you any  
11          concern about the counsel who's representing you?

12                 MR. WOLFE: Objection.

13          BY MR. BLACK:

14          Q. You're under oath.

15          **A. I mean, ask your question one more time,**  
16          **please.**

17          Q. Yeah. My question is: As you sit here  
18          under oath does the fact that the discovery  
19          responses to requests posed to you were served late  
20          such that all of the objections you might have  
21          propounded were waived, and the fact that this  
22          federal court before whom you are seeking to become  
23          the lead plaintiff in this case issued this order,  
24          does that give you concerns about the counsel that's  
25          representing you in this case?

1 MR. WOLFE: Objection.

2 A. It doesn't.

3 Q. It gives you no concern?

4 A. It does not give me a concern, sir.

5 Q. Would you like to have known about this  
6 before you committed to being the lead plaintiff in  
7 this case?

8 MR. WOLFE: Objection.

9 A. Yes.

10 BY MR. BLACK:

11 Q. And, in fact, it was on the basis of the  
12 solicitation that the federal court has found was  
13 misleading that you joined the case; is that right?

14 A. Well, define misleading.

15 Q. Well, the court has defined misleading,  
16 Mr. Destin.

17 A. Right.

18 Q. And so my question is: It was on the basis  
19 of a solicitation that the federal judge has found  
20 was misleading that you joined this case in the  
21 first place, isn't that right?

22 MR. WOLFE: Objection.

23 A. That is correct.

24 BY MR. BLACK:

25 Q. And yet you have no concerns as you sit



1 here.

2           **A. I mean, that's the attorney that's**  
3 **representing me, so I'm not going to go against**  
4 **them. They did their best. And as of today they're**  
5 **still doing their best. I'm not going to go against**  
6 **them.**

7           Q. If and when you talk to anyone about  
8 joining this case or participating in this case do  
9 you plan to advise them of these facts?

10           MR. WOLFE: Objection.

11           **A. What fact, exactly?**

12 BY MR. BLACK:

13           Q. The fact of the judge's order that is  
14 Exhibit 18 and the fact that Plaintiffs' counsel  
15 missed the deadline to file your responses and  
16 waived all of your objections.

17           **A. I mean, I'll be honest with you, to me it's**  
18 **not misleading. Filing paperwork late, I mean --**

19           Q. I didn't suggest that that was misleading.  
20 I suggested that by doing so they waived all of the  
21 objections that you might have otherwise asserted in  
22 response to discovery.

23           You're asking to become the lead plaintiff  
24 in the case.

25           **A. Correct.**

1 Q. Do you consider part of your role as the  
2 lead plaintiff to let others who might join this  
3 case know about this order and the fact of the  
4 waiver of your objections?

5 MR. WOLFE: Objection.

6 A. I don't know the answer to that question,  
7 to be honest with you.

8 Q. Will you let other people know?

9 MR. WOLFE: Same objection.

10 A. I will let other people know, yes.

11 BY MR. BLACK:

12 Q. Now, at some point recently we've already  
13 covered that you decided to become the named  
14 plaintiff in the case.

15 A. Yes.

16 Q. Why did you do so?

17 A. To represent all the people, the other  
18 workers.

19 Q. Was becoming the named plaintiff in the  
20 case your idea?

21 A. No, it wasn't my idea.

22 Q. Was it the idea of Mr. Cohen?

23 A. No.

24 Q. Can you tell me whose idea it was without  
25 disclosing communications that you had with your

1 counsel?

2 **A. It was my attorney.**

3 Q. It was your attorney's idea.

4 **A. Yes.**

5 Q. Specifically, Mr. Ambinder?

6 MR. WOLFE: Objection. You're getting into  
7 privilege. You've established that, that's enough,  
8 Jordan, don't answer that question.

9 BY MR. BLACK:

10 Q. Will you answer that question, Mr. Destin?

11 **A. No, I won't answer that question.**

12 Q. Is it your understanding that in becoming  
13 the lead plaintiff in the case you will be replacing  
14 Michael Cohen or that you will be joining Mr. Cohen  
15 as a named plaintiff in this case?

16 MR. WOLFE: Jordan, answer that only to the  
17 extent you can do it without talking about anything  
18 that you've talked about with your lawyers.

19 **A. I will be joining the lawsuit.**

20 BY MR. BLACK:

21 Q. Do you know if Mr. Cohen is going to  
22 continue to participate in the lawsuit if, in fact,  
23 this proposed amended complaint that identifies you  
24 as the plaintiff is entered by the court?

25 **A. I do not know if Mr. Cohen will still be**

1     **part of the lawsuit.**

2           Q.   So as you sit here today your testimony is  
3   that you have no idea whether Mr. Cohen will still  
4   participate in the lawsuit?

5           **A.   It is correct.**

6           Q.   Before today -- well, strike that.

7           As you sit here are you aware of any  
8   requests by Mr. Cohen to leave the lawsuit?

9           **A.   No, sir.**

10          Q.   If I told you that the proposal to the  
11   court is to substitute you as the plaintiff in this  
12   case for Mr. Cohen and that he will leave the  
13   lawsuit, would that be a surprise to you?

14          **A.   It would not be a surprise to me.**

15          Q.   So you're aware that Mr. Cohen is seeking  
16   to leave the lawsuit.

17          **A.   No, I didn't know it until you tell me that**  
18   **Mr. Cohen.**

19          Q.   Before I told you that, was that a surprise  
20   to you that Mr. Cohen is seeking to leave the  
21   lawsuit?

22          **A.   Yes, I didn't know.**

23          Q.   And you don't know why Mr. Cohen is seeking  
24   to leave the lawsuit.

25          **A.   I do not.**

1 Q. Do you plan to ask Mr. Cohen why he's  
2 seeking to leave the lawsuit?

3 MR. WOLFE: Objection.

4 **A. I would.**

5 Q. Does the fact that Mr. Cohen is seeking to  
6 leave the lawsuit after having been the plaintiff  
7 since it was originally filed give you any cause for  
8 concern?

9 MR. WOLFE: Same objection.

10 **A. It does give me concern, yes.**

11 BY MR. BLACK:

12 Q. Are you concerned that you were never  
13 notified of that fact by your lawyers?

14 MR. WOLFE: Objection. Rich, you're  
15 getting into potential privilege, you're getting  
16 into case strategy, you're getting into --

17 MR. BLACK: Are you going to instruct him  
18 not to answer?

19 MR. WOLFE: Yep.

20 BY MR. BLACK:

21 Q. I asked you a moment ago whether you were  
22 concerned that your counsel didn't let you know  
23 about Mr. Cohen, it drew an objection from  
24 Mr. Wolfe. Are you concerned that no one has ever  
25 let you know that Mr. Cohen is seeking to withdraw

1 from the lawsuit?

2 **A. I didn't know until you tell me.**

3 Q. And are you concerned that no one ever  
4 notified you of that fact?

5 **A. I'm concerned, yes.**

6 (Defendants' Exhibit 19 marked)

7 BY MR. BLACK:

8 Q. Mr. Destin, I'm showing you what's been  
9 marked as Exhibit 19. Can you look at this  
10 document, Mr. Destin, and tell me if you've ever  
11 seen this before?

12 **A. Yes, I do recall seeing this document**  
13 **before.**

14 Q. What is this document, as far as you know?

15 **A. It's a collective action complaint with my**  
16 **name on it.**

17 Q. We've referred a couple times today to a  
18 complaint that has your name on it, which I've  
19 referred to as the proposed amended complaint.

20 **A. Okay.**

21 Q. Is this the version of the complaint that  
22 you have seen that has your name on it? And if you  
23 need to take a minute to thumb through it, please  
24 do.

25 **A. Yes, I did see this document.**

1 Q. And did you review it before it was  
2 provided to the court as a proposed amended  
3 complaint?

4 A. I reviewed the draft, yes. I reviewed the  
5 draft that was sent to me.

6 Q. And when you reviewed it did you believe  
7 that this represented the claims that you wanted to  
8 assert in this lawsuit?

9 A. Yes, it's pretty clear.

10 Q. If you would, take a look at page 3. And  
11 this document has numbered paragraphs, so I'm going  
12 to direct you to certain numbered paragraphs. And  
13 on page 8, I want to direct you to paragraph 3.

14 Do you see where it says, Plaintiff Jordan  
15 Destin is an individual who is currently a resident  
16 of Las Vegas, Nevada and was employed by defendants  
17 as an associate and cold caller?

18 A. Uh-huh, correct.

19 Q. I asked you earlier about position titles.  
20 Am I correct that from your perspective associate  
21 and cold caller are effectively the same thing?

22 A. Associate is a title.

23 Q. What is cold caller, then?

24 A. It would be an action.

25 Q. Okay. You were an associate, correct?

1           **A. I was an associate.**

2           Q. Per the terms of the AMA, right?

3           **A. Yes.**

4           Q. Take a look, if you will, at paragraph 31  
5 on page 7. And in paragraph 31, Mr. Destin, there  
6 is a reference to you that differs still from the  
7 paragraph that we looked at earlier, paragraph 8.  
8 This refers to you as an associate/financial product  
9 marketer.

10           We talked about a couple different titles  
11 earlier, but just to be clear again, that's not your  
12 accurate -- that was not your accurate title in your  
13 association with World Financial Group either, is  
14 it?

15           **A. Are you referring to financial product**  
16 **marketer?**

17           Q. Yes.

18           **A. No, it wasn't.**

19           Q. Associate, again, was your proper title.

20           **A. Associate, financial advisor, yes.**

21           Q. Take a look at paragraph 33, if you will.  
22 Or, I'm sorry, take a look at paragraph 32, it's on  
23 the top of the next page. The last line of  
24 paragraph 32 says you were required to attend  
25 mandatory meetings several times each week, do you



1 see that?

2 **A. Yes, sir.**

3 Q. Are those the same meetings that you allege  
4 were mandatory that we discussed earlier today?

5 **A. Hold on, what meeting are you referring to?**

6 Q. At the bottom of paragraph 32, the last  
7 sentence.

8 **A. Okay, the mandatory meeting several times a**  
9 **week was the team meeting.**

10 Q. We talked about meetings earlier that  
11 you've said were mandatory, and I asked you a series  
12 of questions about who set up the meetings, who told  
13 you they were mandatory. Are these the same  
14 meetings that we were referring to earlier?

15 **A. These are the same meeting, yes.**

16 Q. Okay.

17 **A. And if I can just underline something, it's**  
18 **also including meetings as the presentation, which**  
19 **takes place every Tuesday at 6:00 p.m. and Saturday**  
20 **at 10:00 a.m.**

21 Q. When you say "the presentation," what are  
22 you referring to?

23 **A. So the presentation is where you have to**  
24 **bring people, at least two guests, for each**  
25 **presentation so they can -- they can attend, let's**

1     **say, a better presentation where there is more**  
2     **people involved, and the presentation is being given**  
3     **by somebody higher up in the company.**

4           Q.   Okay.  And your role was to go out on your  
5     own and try to convince people to come to this  
6     presentation, correct?

7           **A.  It is correct.**

8           Q.  And in doing so you would utilize some of  
9     the tools we talked about earlier, like running ads  
10    on Craig's List or Indeed.com or Jobs.com or making  
11    calls, correct?

12          **A.  Yes.**

13          Q.  And your hope in getting people to come to  
14    those meetings was that if you recruited them to  
15    come to the meeting and they joined World Financial  
16    Group, they would then be below you in the  
17    hierarchy, correct?

18          **A.  They would then be below me, yes.**

19          Q.  And you mentioned earlier that one of your  
20    goals was to build a team in that fashion, correct?

21          **A.  That's correct.**

22          Q.  If you take a look at paragraph 33, please,  
23    the first line says you were required to make cold  
24    calls for the purposes of soliciting sales of  
25    financial products, do you see that?

1           **A. Yes, I do.**

2           Q. When you were making calls you were not  
3           only talking to people about potential financial  
4           products, but you were also recruiting them at the  
5           same time, right?

6           **A. Yes.**

7           Q. Okay. You said that recruiting was one of  
8           the things that went hand in hand with those calls,  
9           correct?

10          **A. It is correct.**

11          Q. And so to the extent that this allegation  
12          in the complaint simply references you trying to  
13          solicit sales of financial products, it's  
14          incomplete, correct? That is, you were also calling  
15          people to recruit.

16          **A. It is correct, yes.**

17          Q. And the next sentence says, If recipients  
18          expressed interest, Plaintiff Destin was required to  
19          hand the call along to a senior broker, do you see  
20          that? It's in the very next line.

21          **A. Yes, it is correct.**

22          Q. Now, if on one of those calls you recruited  
23          someone to join World Financial Group and they  
24          joined World Financial Group, they would sit below  
25          you in the hierarchy, correct? You would have been

1 the recruiter, right?

2 **A. I would have been the recruiter, yes.**

3 Q. And to the extent that they became licensed  
4 and you became licensed and they sold products, you  
5 could potentially see a commission based on their  
6 having sold products. I think the term that World  
7 Financial Group uses is override. You would have  
8 been a position to receive overrides.

9 **A. It is correct.**

10 Q. And so the idea that in making these calls,  
11 which included recruiting, that you may not see any  
12 compensation as a result, that's not completely  
13 accurate, correct?

14 **A. Can you ask your question again?**

15 Q. Sure. The tenor of the allegation here is  
16 that if you called somebody to try to sell a product  
17 or to recruit them and they were interested, you had  
18 to hand them over to somebody else. But the fact of  
19 the matter is if they joined World Financial Group,  
20 they would be under you in the hierarchy, such that  
21 if you and they both became licensed, you would  
22 stand to benefit financially, correct?

23 **A. Yes.**

24 Q. And if, in fact, they joined and y'all  
25 became licensed and you sold financial products to

1       them, you would benefit financially, correct?

2           **A. I would benefit, yes.**

3           Q. Okay. The next line of this says, However,  
4       that, if a call resulted in the sale of financial  
5       products, Plaintiff Destin did not receive a  
6       percentage of the commission because he was not  
7       eligible until he obtained his license.

8           Do you see that?

9           **A. Uh-huh.**

10          Q. It's your understanding was, and was at all  
11       times, that if you were not licensed you were not  
12       eligible to receive a commission, correct?

13          **A. Yes.**

14          Q. Do you understand that there are federal  
15       regulations that govern whether you can sell  
16       securities?

17          **A. Yes.**

18          Q. And if you were not -- had not received  
19       your license or been regulated to sell securities,  
20       you couldn't, correct?

21          **A. I couldn't.**

22          Q. Okay. And therefore you wouldn't be able  
23       to receive a commission from those, right?

24          **A. It is correct.**

25          Q. And that's not -- that was not news to you

1 when you joined World Financial Group, right? You  
2 understood that.

3 **A. Well, they finally told me that I will get**  
4 **paid once I get my license.**

5 Q. You understood that once you received your  
6 license you would be eligible to receive  
7 commissions, correct?

8 **A. It is correct.**

9 Q. And working toward your licensing was  
10 something that you were trying to do in addition to  
11 recruiting, correct?

12 **A. Uh-huh.**

13 Q. In hopes that if you could do both of those  
14 things you could build a platform with people below  
15 you in the hierarchy through whom you would receive  
16 override commissions in addition to your own  
17 commissions, correct?

18 **A. Correct.**

19 Q. And then that way you could build your own  
20 group, correct?

21 **A. Correct.**

22 Q. That was the goal, right?

23 **A. It is the goal, yes.**

24 Q. In the same way that, you know, Christian  
25 did that and had you as a member of his group,

1 correct?

2 **A. Yes.**

3 Q. And Stefan did that by recruiting  
4 Christian, right?

5 **A. Yes.**

6 Q. Mr. Destin, let me show you a document that  
7 we'll mark, and I will show it to you.

8 MR. BUCKLEY: Can we go off the record for  
9 just a minute?

10 THE VIDEOGRAPHER: Stand by, please. We're  
11 off the record, the time is 4:38.

12 (Recess)

13 THE VIDEOGRAPHER: And we are back on the  
14 record, the time is 5:00. You may continue, sir.

15 BY MR. BLACK:

16 Q. Mr. Destin, I want to show you what's been  
17 marked as Exhibit Number 4. And it's a little  
18 confusing because there's a sticker on the bottom  
19 that says Exhibit 4 but then there's a big label on  
20 the page that says Exhibit H.

21 **A. Okay.**

22 Q. I'm directing your attention to the blue  
23 label. Exhibit H is a cover page I think that was  
24 put on this document by your counsel. Do you  
25 recognize this document, Mr. Destin?

1           **A. I do.**

2           Q. Is this your resume?

3           **A. It is my resume.**

4           Q. Did you create this resume?

5           **A. I had some help to do it.**

6           Q. Who helped you in creating it?

7           **A. A friend of mine.**

8           Q. Who is that friend?

9           **A. His name is Longay, L-O-N-G-A-Y.**

10          Q. What's his last name?

11          **A. Shahi, S-H-A-H-I.**

12          Q. Longay Shahi?

13          **A. It is correct.**

14          Q. And what role did Mr. Shahi play in  
15          creating this resume?

16               **A. Only as far as the format of the resume,**  
17          **how to put the things together.**

18          Q. As far as the substance of the resume, did  
19          you draft the substance?

20               **A. I did.**

21          Q. So the language that I see here in the  
22          bullet points and the words that I see on the page  
23          were drafted by you.

24               **A. It is correct.**

25          Q. And to your understanding was everything on



1     this document accurate at the time that you created  
2     it?

3           **A.   I do.**

4           Q.   And is it accurate as we sit here today?

5           **A.   It is accurate.**

6           Q.   That is, you are still employed by Expedia,  
7     correct?

8           **A.   Correct, yes.**

9           Q.   Are you employed by anyone other than  
10    Expedia right now?

11          **A.   No.**

12          Q.   Do you recall when you created this  
13    document?

14          **A.   I do not recall when I created this**  
15    **document.**

16          Q.   It looks like it was created sometime after  
17    July of 2011, because that's the last date that your  
18    employment is listed with Expedia. So using that as  
19    a frame of reference, do you have any idea if this  
20    was put together in the last year? Was it put  
21    together in the last six months?

22          **A.   I usually update my resume when I'm**  
23    **applying for a new position, so I had no need to**  
24    **modify my resume since July 2011. So that will be**  
25    **the last day that the resume has been drafted.**

1 Q. So you likely created this in July of 2011?

2 A. Yes, before I get my employment -- let's  
3 say June, before I get my employment for Expedia.

4 Q. And you ended your relationship with World  
5 Financial Group in June of 2011, correct?

6 A. Correct.

7 Q. Do you remember the specific date in June  
8 2011 that you ended your relationship with World  
9 Financial Group?

10 A. No, sir.

11 Q. And just to be clear, since June of 2011  
12 when you ended your relationship with World  
13 Financial Group you have not engaged in any  
14 activities whatsoever that relate to World Financial  
15 Group; is that right?

16 A. It is correct.

17 Q. So going back to your employment with  
18 Expedia, you became employed by them in July of  
19 2011?

20 A. Yes.

21 Q. And what is your role at Expedia?

22 A. So I'm a lead agent, so I take care of  
23 escalation.

24 Q. And so if a customer tries to book travel  
25 through Expedia and they have an issue, that

1 escalation would go to you; is that correct?

2 A. It will go to an agent first, and mostly my  
3 job is to reply to customers' e-mail. So I started  
4 as an agent, yes, bilingual sales agent, French and  
5 English, Canada and United States for Expedia. And  
6 I've been promoted to be lead agent, so taking care  
7 of escalation, customers' issue, complaints, refund.

8 Q. When were you promoted?

9 A. I was promoted six months after I started  
10 working with Expedia. So that will be the end of  
11 2011.

12 Q. And when you began your association with  
13 Expedia were you informed that you would be an  
14 employee?

15 A. I was informed that I will be an employee,  
16 yes.

17 Q. And was that a full-time position?

18 A. It was a full-time position, yes.

19 Q. And do you receive any benefits from  
20 Expedia?

21 A. Yes.

22 Q. And have you received benefits from Expedia  
23 since the start of your relationship with Expedia?

24 A. I did.

25 Q. Under your responsibilities you identify

1 that you provide detailed legal scripts.

2 A. Uh-huh, correct.

3 Q. What legal scripts do you provide?

4 A. So prime example, for me to respond to a  
5 customer complaint I cannot write my own words, I  
6 have to follow a certain guideline.

7 Q. Okay. And you draft those up based on the  
8 guidelines?

9 A. Correct.

10 Q. And so when you say legal script, you're  
11 not saying you're drafting legal documents. You're  
12 providing a script -- you're provided with a  
13 guideline and then you draft a script.

14 A. I have to follow the script still.

15 Q. Does anybody review those scripts?

16 A. I will -- the original script, the company,  
17 yes, is taking care of it.

18 Q. You also said that you manage front line  
19 professionals' performance, do you see that? That  
20 is the fourth bullet point down.

21 A. Correct.

22 Q. When you say front line professional, are  
23 you referring to the agents?

24 A. I'm referring to the agents, yes.

25 Q. Now, how long were you in the agent

1 position before you were promoted?

2 **A. Six months.**

3 Q. Six months.

4 **A. Uh-huh.**

5 Q. So does that help refresh your recollection

6 at all as to when you may have updated this resume?

7 Because you're referring here to management of

8 agents, which I assume is in your lead roll.

9 **A. It is correct.**

10 Q. But you wouldn't have had the lead roll

11 until January or February of 2012; is that right?

12 **A. I'll be honest with you, when I joined the**

13 **company first I wanted to be a manager. So I had**

14 **this role as a manager but not the title of it**

15 **officially.**

16 Q. So you were managing front line

17 professionals' performance when you very first

18 started?

19 **A. Well, not the day I started, but easily**

20 **three weeks after, yes.**

21 Q. So it may well be that this was last

22 updated in July of 2011?

23 **A. Yes, sir.**

24 Q. Am I correct that you have not updated this

25 resume at any time since then?

1           **A. That is correct.**

2           Q. Had you updated this -- did you retain the  
3 version of this resume that was updated to create  
4 this version?

5           **A. I always keep the same track, yes.**

6           Q. My question was: Am I correct to assume  
7 you had a resume before you created this version of  
8 the resume?

9           **A. Correct.**

10          Q. All right. What did you do with that  
11 version of the resume when you created this version  
12 of the resume?

13          **A. Update some key points, such as my national**  
14 **line professional performances, different key points**  
15 **in my resume, I updated that, yes.**

16          Q. Did you maintain or preserve the prior  
17 version?

18          **A. Yes, sir.**

19          Q. Where is that?

20          **A. Oh, no. The prior version, if you're**  
21 **referring to the original document --**

22          Q. I am.

23          **A. The original resume, no. I always have one**  
24 **resume, that's the one I go by.**

25          Q. So is it your testimony that you updated

1 the version and it became this, but you did not keep  
2 the old version?

3 **A. It is correct.**

4 Q. You also identify Abercrombie & Fitch on  
5 this resume, and we've talked about Abercrombie &  
6 Fitch a couple times. Your association with  
7 Abercrombie & Fitch was as an employee, correct?

8 **A. It is correct.**

9 Q. And you understood that at the time you  
10 began to be associated with them?

11 **A. It is correct.**

12 Q. And that started in December of 2010 after  
13 you had already been associated with World Financial  
14 Group?

15 **A. It is correct.**

16 Q. That was a full-time position, correct?

17 **A. It was a full-time position.**

18 Q. What type of hours were you maintaining at  
19 Abercrombie & Fitch?

20 **A. At least 32 hours.**

21 Q. And was it ever the case that you worked  
22 more than 32 hours?

23 **A. Yes, because it's a salary base.**

24 Q. So you were paid a salary as an assistant  
25 store manager at Abercrombie?

1           **A. It is correct, yes.**

2           Q. And so it was your understanding that you  
3 would be paid a particular salary for all hours that  
4 you worked in a week, regardless of how many hours  
5 you worked?

6           **A. It is correct. I had to do at least 32**  
7 **hours to be considered a full-time and have**  
8 **benefits. I was trying to stay below 40 hours, but,**  
9 **you know, when you're running a store that big, it's**  
10 **the flagship store in Las Vegas so it's a big store,**  
11 **I was going over 40 hours.**

12          Q. How many hours a week do you estimate you  
13 were working on average? Between 40 and 50?  
14 Between 50 and 60?

15          **A. For Abercrombie & Fitch only?**

16          Q. Abercrombie & Fitch.

17          **A. Only? Well, average 40 hours.**

18          Q. You averaged 40 hours?

19          **A. Yes.**

20          Q. Were there weeks when you only worked 32  
21 and weeks when you worked as many as 50?

22          **A. I don't recall the last time I worked only**  
23 **32 hours, but 36 hours up to 42, yes.**

24          Q. So as little as 36 with an average of 40 is  
25 your recollection?



1           **A. Yes.**

2           Q. And were there particular shifts that you  
3 worked at Abercrombie?

4           **A. So the shift could change, you can actually**  
5 **switch shift with your co-workers, either early**  
6 **morning or late afternoon. Late evening, I should**  
7 **say.**

8           Q. And do you recall the hours of those  
9 shifts?

10          **A. There was a shift starting at or convening**  
11 **around 7:00 a.m. that required me to be in the store**  
12 **at least until 2:00 or 3:00 p.m. in the afternoon,**  
13 **and there was another shift starting at 6:00 p.m. as**  
14 **I recall, 5:30, 6:00 p.m.ish and I was in like till**  
15 **past midnight, 1:00 o'clock, 2:00 o'clock in the**  
16 **morning. I was the closing shift manager.**

17          Q. You ended your relationship with World  
18 Financial Group in or about June of 2011, right?

19          **A. It is correct.**

20          Q. Is it fair to say that at the time that you  
21 ended that relationship you had stopped putting in  
22 as many hours with World Financial Group as you had  
23 at the start of your relationship with World  
24 Financial Group?

25          **A. It is correct.**

1 Q. And so let's take June 2011, for example.  
2 In the weeks prior to you ending that relationship  
3 were you going to meetings anymore?

4 A. I was going to meetings, yes, sir.

5 Q. Were you doing anything else outside of  
6 that?

7 A. I was my best to maximum myself my time in  
8 the office because it was not really convenient to  
9 go from work to work to home, so I was trying to  
10 maximize my time at World Financial Group. So if I  
11 could do, you know, five hours a day would be great,  
12 but I could not manage both working at the same  
13 time.

14 Q. And I take it there were a lot of days when  
15 you couldn't manage five hours and work at  
16 Abercrombie in your full-time job.

17 A. That is correct.

18 Q. Was that true for that entire time that you  
19 were also -- you were working at Abercrombie on a  
20 full-time basis, that you would put in as many hours  
21 as you could, but you couldn't quite put in all the  
22 hours that you were previous to that?

23 A. That's correct.

24 Q. So that's from December of 2010 on that you  
25 were doing that, right?

1           **A.   Until July 2011, yes.**

2           Q.   How many hours do you think you were able  
3   to put into World Financial Group realistically say  
4   in the June timeframe right before you finally ended  
5   the relationship?

6           **A.   Well, I was going to the team meetings**  
7   **because those were required, presentation as well,**  
8   **followup with customers. I was on an average, 10**  
9   **hours a week.**

10          Q.   10 hours a week.

11          **A.   10 hours a week.**

12          Q.   And was that generally true during the time  
13   that you were trying to -- well, not when you were  
14   trying to, when you were working full-time managing  
15   the Abercrombie store?

16          **A.   Well, the 10 hours a week was towards the**  
17   **end of June when I left World Financial Group, but**  
18   **during that time between December, let's say January**  
19   **2011 up to June 2011, that six months' timeframe, I**  
20   **was working 70 hours a week both combined.**

21          Q.   Okay. So it's your testimony that toward  
22   the end of your relationship with World Financial  
23   Group, you were down to about 10 hours a week, just  
24   attending what you regarded as the mandatory  
25   meetings.

1           **A. Correct.**

2           Q. But prior to that, you were still putting  
3 in, if I do the math correctly, 30 hours a week for  
4 World Financial Group?

5           **A. Yes, an average of 25.**

6           Q. 25.

7           **A. Yeah. Between 25, 30.**

8           Q. Were there occasions when the shift that  
9 you had, you were required to be working at  
10 Abercrombie, ran over on top of meetings at World  
11 Financial Group?

12          **A. Yes, sir.**

13          Q. And so it was the case that you had to miss  
14 meetings at World Financial Group because you had to  
15 be at Abercrombie, right?

16          **A. That is correct.**

17          Q. That is not infrequent, that happened  
18 relatively often during that December to June  
19 timeframe, right?

20          **A. Well, anywhere between December up to June,**  
21 **one of the mandatory meeting was supposed to be on**  
22 **Saturday, and as you know in the retail business**  
23 **Saturday is actually the busiest day of the week, so**  
24 **I had to be present -- I had to find a way to either**  
25 **be at World Financial Group or be at Abercrombie &**

1     **Fitch. So I was basically switching hours if**  
2     **possible and combining the whole day together as**  
3     **much as possible.**

4           Q. But sometimes you would miss that mandatory  
5     meeting, correct?

6           A. Yes.

7           Q. Was there any consequence to you missing  
8     the mandatory meeting? Did World Financial Group --  
9     did the other folks on your team sever your  
10    relationship?

11          A. I will be talked to about it, yes.

12          Q. So the folks on your team might talk to you  
13    about it, but was there any financial consequence to  
14    you for missing a meeting and being at Abercrombie?  
15    That is, were you penalized?

16          A. Well, I mean, I will be penalized. I will  
17    basically penalize myself too, because if I'm not  
18    able to either follow up with a customer or miss a  
19    team meeting where we have an update on the product  
20    it's kind of penalizing myself being at work so  
21    much.

22          Q. Because what you were doing at World  
23    Financial Group ultimately was up to you, right? It  
24    was if you put in the time and you put in the effort  
25    you could build this team, but you penalized

1     yourself by missing the meetings and missing those  
2     followups because you wouldn't develop that team.  
3     Is that essentially what you're saying?

4           **A. Well, as simple as Abercrombie & Fitch was**  
5     **paying me for me to be showing up in their store,**  
6     **right. World Financial Group did not. So either I**  
7     **would not show up to the meeting and I would be**  
8     **talked to and I would be pressurized, that's the**  
9     **word, like I'd be pressured by my higher people**  
10    **above me, or I would simply lose my job at**  
11    **Abercrombie for not being there on time.**

12           Q. You were not in danger of losing your  
13    affiliation with World Financial Group but you were  
14    at risk of losing your job at Abercrombie, correct?

15           **A. That is correct.**

16           Q. With regard to the pressure that you say  
17    was imposed on you, that pressure was imposed on you  
18    by those in your team and above you in the  
19    hierarchy, correct?

20           **A. By my team, yes.**

21           Q. And they were imposing pressure on you to  
22    be present at meetings and do followups and to  
23    recruit?

24           **A. That's correct, because if I'm not showing**  
25    **up to the meeting it means I don't have any guests**

1 to invite to the meeting, to the presentation, and  
2 it's not a good way to promote the business. They  
3 wanted us to be there when we invite people. So if  
4 I have two guests coming either on a Tuesday or a  
5 Saturday it would be required for me to be there to  
6 welcome them in the office, give them a little tour,  
7 let them sit down for an hour or two, time for the  
8 presentation to take on, and then I will follow up  
9 with them right after the presentation, so yes.

10 Q. And so to the extent that you had to make a  
11 choice between Abercrombie and being at a meeting at  
12 World Financial Group say on a Saturday where you  
13 had real conflicts, that also was detrimental to you  
14 in your effort to build your team, because if you  
15 weren't there to be present with someone with whom  
16 you were following up, they may be less likely to  
17 sign on.

18 A. It is correct.

19 Q. But you had to make a choice between your,  
20 lack of a better term, your paying job, your  
21 employment with Abercrombie and your association  
22 with World Financial.

23 A. Correct.

24 Q. And as I am hearing you, you would err on  
25 the side generally of choosing Abercrombie if you

1 had to choose one or the other.

2 A. Well, again, Abercrombie was paying my  
3 bills.

4 Q. One of the things that you mentioned that  
5 was your responsibility for Abercrombie was to  
6 manage real estate growth to compete effectively  
7 across markets. What about your role as an  
8 assistant store manager involved managing real  
9 estate growth to compete effectively across markets?

10 A. So I mean by managing real estate growth is  
11 compare our store to the other stores, basically,  
12 the other Hollister or Abercrombie that we were  
13 leading in our department to see which one would be  
14 the best, basically, as far as sales targets, sales  
15 calls, how many people we have to recruit, because  
16 we had to recruit people for Abercrombie & Fitch as  
17 well.

18 Q. When you say "recruit people," you mean you  
19 were hiring individuals to be employed at  
20 Abercrombie?

21 A. Hiring is the right term, but it's also --  
22 it's a recruiting position, too, because they  
23 actually -- well, I'm not here to brag about  
24 Abercrombie, but long story short is they send you  
25 on the field, either UNLV, university, anywhere,



1     where you have young people that could potentially  
2     join the company, and you recruit them, too, based  
3     on their work.

4             Q.   Did you do that?

5             A.   I had to, yes.

6             Q.   When you recruited people to come to  
7     Abercrombie & Fitch did you talk to them about  
8     compensation?

9             A.   No.

10            Q.   You didn't talk to them about whether  
11     they'd be paid to join Abercrombie & Fitch?

12            A.   It was not a good way to do a recruiting  
13     job.

14            Q.   What would you tell them?

15            A.   Well, we would tell them that, you know, if  
16     they are looking for a position and we have open  
17     position, it would be part-time, so it could be 5,  
18     10, 20 hours a week, I will decide on that, and if  
19     they fit the look of the company and the style of  
20     the brand, then they can come for an interview.

21            Q.   And if someone asked you how they would be  
22     paid or if they would be paid by Abercrombie &  
23     Fitch, what did you tell them?

24            A.   Well, I will tell them that it is the  
25     minimum wage for part-timers.

1 Q. And you let them know that this was an  
2 employment relationship, correct?

3 A. Yes.

4 Q. When you recruited people to become  
5 associated with World Financial Group, you didn't  
6 give them any information about an hourly rate,  
7 right?

8 A. It is correct.

9 Q. And you didn't tell them that there was an  
10 employment relationship, correct?

11 A. It is correct.

12 Q. One thing I wanted to explore with you is  
13 earlier today I asked you when you first became  
14 affiliated with World Financial Group. We looked at  
15 your AMA, which you had signed and dated in October  
16 of 2010. Do you recall that?

17 A. Correct.

18 Q. But you recall that you were affiliated  
19 with World Financial Group in September of 2010.

20 A. Correct.

21 Q. What was the nature of this affiliation  
22 that you mentioned before you actually signed the  
23 AMA?

24 A. A lot of presentation, a lot of team  
25 meeting too, going to the office, being on the

1 field, learning the product, just basically for the  
2 new hire to feel comfortable with the company and to  
3 know who they're going to be joining with, you know.

4 Q. Was part of that your recruiting process,  
5 that is the process where you were being recruited?

6 A. That's been the process when I was  
7 recruited.

8 Q. I see.

9 A. And it took about a week for the background  
10 check to come back, so by the time I fill paperwork  
11 and everything, yes.

12 Q. So if I understand correctly, this -- we  
13 have this period of time from September until  
14 October when you signed the AMA, that was a period  
15 of time during which, A, you were being recruited,  
16 you were attending meetings to learn more about  
17 World Financial Group and you were filling out  
18 paperwork to see if you would have an affiliation  
19 with World Financial Group; is that right?

20 A. That is correct.

21 Q. And that's what was going on in that  
22 September timeframe?

23 A. Yes.

24 Q. For purposes of the associate management  
25 agreement, membership agreement, you don't dispute

1 that that document was submitted in October, though,  
2 correct?

3 **A. I don't.**

4 Q. Okay. The company that you list prior to  
5 listing World Financial Group on your resume is  
6 Connor located in Melbourne, Australia, correct?

7 **A. It is, correct.**

8 Q. Is that a job that you held while you were  
9 going to school?

10 **A. That's a job I held -- no, I went to school**  
11 **in Sidney.**

12 Q. I was just going to ask you that. So you  
13 went to school for six months in Sidney, earned your  
14 Associate's Degree, moved to Melbourne, worked  
15 for --

16 **A. Connor.**

17 Q. It was almost a year for Connor Group.

18 **A. Correct.**

19 Q. And then went back to the United States.

20 **A. It is correct, yes.**

21 Q. Directly to Las Vegas.

22 **A. Directly to Las Vegas.**

23 Q. And there was a gap of time between June  
24 2010 and when you first became affiliated with World  
25 Financial Group.

1           **A. Uh-huh.**

2           Q. Were you working at all during that period?

3           **A. I worked for a company called Holiday**  
4   **System International.**

5           Q. Holiday System International?

6           **A. Correct.**

7           Q. What was Holiday System International?

8           **A. It's a time share company.**

9           Q. What did you do?

10          **A. I was a sales agent for a time share**  
11   **company.**

12          Q. Were you employed by them?

13          **A. I was employed, yes, sir.**

14          Q. And what was your role?

15          **A. Sales agent.**

16          Q. Who were you paid?

17          **A. Hourly.**

18          Q. Hourly plus commissions or just hourly?

19          **A. Just hourly.**

20          Q. And did you work for Holiday System  
21   International from the time you came back from  
22   Australia until the time that you became affiliated  
23   with World Financial Group, or was there a period of  
24   time where you were working for Holiday Systems  
25   International and had started your affiliation with

1 World Financial Group?

2 **A. No, I didn't do both together.**

3 Q. The only thing that you did simultaneous to  
4 World Financial Group was Abercrombie & Fitch.

5 **A. It is correct.**

6 Q. Are you familiar with Silver Trading Group?

7 **A. Yes.**

8 Q. What is Silver Trading group?

9 **A. It's a company I used to have.**

10 Q. It was your company?

11 **A. It was my company, yes.**

12 Q. And I don't see that on the resume here.

13 When did you form Silver Trading Company?

14 **A. About two and a half years ago.**

15 Q. And what was Silver Trading Company?

16 **A. It was supposed to be an investment  
17 company.**

18 Q. Of what type? What type of investment?

19 **A. Well, it was supposed to be real estate  
20 investment. But we just formed the name of the  
21 business and we just let it sit like that. We never  
22 used it for any purposes.**

23 Q. When you say "we," who are you referring  
24 to?

25 **A. Me and my business partner.**

1 Q. Mr. Lucas?

2 A. Mr. Lucas, it is correct.

3 Q. Is Silver Trading Company still a viable  
4 entity?

5 A. No.

6 Q. And at some point you formed Destin &  
7 Lucas, correct?

8 A. Correct.

9 Q. Is Destin & Lucas effectively the successor  
10 to Silver Trading Company or are they totally  
11 different companies?

12 A. Well, it's a different company, yes, it's a  
13 different name, different tax ID, number so it's a  
14 different company.

15 Q. And what does Destin & Lucas do?

16 A. So we do real estate management, so we buy  
17 investment properties in Las Vegas, Nevada. We rent  
18 them out, manage the properties, find renters,  
19 that's what we do.

20 Q. When is the last time that Destin & Lucas  
21 sold a property?

22 A. We didn't sell property yet.

23 Q. You simply invest in properties and then  
24 rent them out?

25 A. It is correct.

1 Q. How many properties does Destin & Lucas  
2 own?

3 A. Three.

4 Q. I mentioned some properties earlier and I  
5 think you mentioned that you own them as investment  
6 properties.

7 A. Correct.

8 Q. Are those the investment properties of  
9 Destin & Lucas or are they the investment properties  
10 of you personally?

11 A. They were my investment personally, first  
12 under my name, and then I transferred my name to the  
13 business company.

14 Q. We talked about two of them. You said  
15 there are three?

16 A. There is three, yes. Actually, I think you  
17 gave me the addresses for the three.

18 Q. We talked about REDACTED ?

19 A. Correct.

20 Q. We talked about REDACTED ?

21 A. Correct.

22 Q. We talked about REDACTED ?

23 A. Correct.

24 Q. Is that the third address?

25 A. It is.



1 Q. You live in the REDACTED address.

2 A. Yes.

3 Q. Is that where you live with your wife?

4 A. Yes.

5 Q. Does Mr. Lucas live in any of those  
6 properties?

7 A. No.

8 Q. And the other two you rent out, correct?

9 A. It is correct.

10 Q. Destin & Lucas was incorporated in or about  
11 December of 2012, correct?

12 A. It is correct.

13 Q. And are you employed by anyone presently?

14 A. Expedia.

15 Q. Oh, I'm sorry. Besides Expedia and  
16 Destin & Lucas.

17 A. No.

18 Q. So you own Destin & Lucas and you're  
19 employed by Expedia, but you have no other  
20 employment relationship?

21 A. It is correct.

22 Q. Do you have any relationship with any other  
23 company, whether it be an independent contractor or  
24 any other type of relationship?

25 A. Not that I would know of, no.

1 Q. If you would, please take out Exhibit 8.

2 And actually, I think I want to show you a different  
3 exhibit. No, Exhibit 8 is the right one. And turn,  
4 if you will, to page 9 and interrogatory 8.

5 Now, in this interrogatory you were asked  
6 to identify and fully describe all entities or  
7 persons for whom you have been employed, performed  
8 work, sought to obtain employment or to enter an  
9 independent contractor relationship with since June  
10 18th of 2008, do you see that.

11 A. I do see that, yes.

12 Q. If you look at the answer below, can you  
13 find for me where you have identified Silver Trading  
14 Company?

15 A. I did not.

16 Q. Okay. Can you find for me where you  
17 included Holiday Systems International?

18 A. I don't. It's not in there.

19 Q. Why are those two not identified as part of  
20 your interrogatory response?

21 A. Silver Trading group is not a valid entity,  
22 like I told you, so no longer the needs to mention  
23 that company. And Holiday Systems International, I  
24 just didn't work for them long enough to mention  
25 them.

1 Q. Did you understand that there was a -- you  
2 were only asked to identify employers or companies  
3 with whom you had relationships only over a certain  
4 period of time?

5 A. That's my understanding, yes.

6 Q. So you understood that your relationship  
7 with Holiday was too short to mention?

8 A. I just -- to be honest with you, I just  
9 skipped it. I didn't put that version in it.

10 Q. As you sit here today and look at this, and  
11 look at this interrogatory do you understand that,  
12 in fact, you should have provided that?

13 A. Yes, sir.

14 Q. And the same with respect to Silver  
15 Trading?

16 A. But I was not employed by Silver Trading  
17 group.

18 Q. Well, you identified Destin & Lucas in this  
19 response, but you are owner.

20 A. Right, because it is an active company, it  
21 is correct.

22 Q. At one time Silver Trading Company was an  
23 active company, correct?

24 A. It was an active company, yes.

25 Q. And during the time that it was an active

1 company you were either employed by it or you owned  
2 it.

3 **A. Correct.**

4 Q. Okay. But yet you didn't identify it here.

5 **A. Correct.**

6 Q. You also, you worked for Tommy Hilfiger at  
7 some point, correct?

8 **A. I did work for Tommy Hilfiger, yes.**

9 Q. In Nevada.

10 **A. In Las Vegas, Nevada, yes, sir.**

11 Q. Between about September of 2010 and October  
12 of 2010?

13 **A. That sounds about right, yes.**

14 Q. What was your role with Tommy Hilfiger?

15 **A. I was just a sales associate.**

16 Q. Was it a part-time or a full-time position?

17 **A. It was a part-time position.**

18 Q. How many hours a week were you working for  
19 Tommy Hilfiger?

20 **A. About three to five.**

21 Q. When you were working for -- you were  
22 working three to five hours a week?

23 **A. Yes.**

24 Q. Okay. Were you scheduled by anyone to work  
25 certain hours at Tommy Hilfiger?

1           **A. Correct.**

2           Q. I asked you earlier whether you were  
3 employed by anyone else other than Abercrombie &  
4 Fitch during the period that you were associated  
5 with World Financial Group and you told me you were  
6 not.

7           **A. Correct.**

8           Q. But Tommy Hilfiger in the September to  
9 October 2010 timeframe does fit within that window;  
10 doesn't it?

11           **A. That's correct. And that's the reason why**  
12 **I quit Tommy Hilfiger, because I was actually**  
13 **joining World Financial Group officially in October.**

14           Q. And did you overlap between the two at all?

15           **A. Not too much, not enough time for me to**  
16 **combine both work together. Tommy Hilfiger was like**  
17 **a short time, maybe three weeks.**

18           Q. Were there any other employers for whom --  
19 any other companies by whom you were employed  
20 between 2008 and the present that we haven't talked  
21 about?

22           **A. Orlando Disneyworld.**

23           Q. Okay. When were you employed by Orlando  
24 Disneyworld?

25           **A. I started over there in April 2008, I'm**

1     **thinking. And I worked there for about three weeks.**

2           Q. That would have been before June of 2008.

3           **A. It would have been before June 2008, yes.**

4           Q. Were you employed by Disneyworld?

5           **A. I believe I was, yes.**

6           Q. In what capacity?

7           **A. I was a -- I was working in the French**  
8     **bakery at the Epcot Center.**

9           Q. When you sought employment with Expedia did  
10    you use a version of the resume that you provided to  
11    us in this litigation?

12          **A. Yes, sir.**

13          Q. And this resume has some information  
14    blacked out at the top of it. When you provided  
15    this to counsel was that information blacked out?

16          **A. No, it wasn't.**

17          Q. Do you know why it's blacked out?

18          **A. Privacy matter, I'm assuming.**

19          Q. What is that information? Is that an  
20    address?

21          **A. Yes.**

22          Q. It's the same address you provided in your  
23    interrogatory answers and in other documents?

24          **A. Right, and e-mail address too and phone**  
25    **number.**

1 Q. Which is all information that you've  
2 otherwise provided.

3 A. It is correct, yes.

4 Q. The Associate's Degree that you received  
5 from Victoria University in Melbourne, Australia,  
6 what was the -- you list your major on page 2 as  
7 international business, marketing and management.  
8 What did that encompass?

9 A. Well, I joined Victoria University in  
10 Melbourne because I was able to actually finish a  
11 degree over there that I was not able to finish it  
12 in the United States or in France.

13 The interesting thing about Australia is  
14 they have a working and a school visa at the same  
15 time, so you can go to school and you can work over  
16 there. And the associate degree will be the  
17 equivalent of -- well, it will be an associate  
18 degree over here.

19 Q. Okay. It lasted -- it was about six  
20 months, correct?

21 A. It is correct, yes.

22 Q. Now, you had much earlier in the deposition  
23 referred to yourself I think as a training associate  
24 when you first became affiliated with World  
25 Financial Group, correct?

1           **A. It is correct.**

2           Q. What kind of training did you receive when  
3 you first became affiliated with World Financial  
4 Group?

5           **A. Well, the type of training I received was**  
6 **the technique, the sales speech, how to sell the**  
7 **product, how to promote the company too, and**  
8 **obviously how to recruit people.**

9           Q. Were you also provided training with regard  
10 to particular products?

11          **A. Yes.**

12          Q. Were you provided training with regard to  
13 the nature of those products, whether they be  
14 securities or insurance policies?

15          **A. Yes.**

16          Q. And the training that you were provided, it  
17 was provided to you by whom? Those in your  
18 hierarchy above you?

19          **A. Yes, but also people from the office, and**  
20 **when I call people from the office I mean the Las**  
21 **Vegas office. So whoever else is in charge of the**  
22 **office.**

23          Q. Right. And so when you say that, you mean  
24 others who were associates with World Financial  
25 Group though they may have been higher in the



1 hierarchy than you.

2 **A. Yes, and they were higher, yes.**

3 Q. And they provided the training.

4 **A. It is correct.**

5 Q. At any point during your association with  
6 World Financial Group did you ever travel to World  
7 Financial Group headquarters in Johns Creek,  
8 Georgia?

9 **A. No, sir, I did not.**

10 Q. Did you ever attend any national  
11 conferences or conventions?

12 **A. I was invited to one, yes.**

13 Q. Did you attend one?

14 **A. I did not.**

15 Q. You said you traveled to Anaheim. That was  
16 to meet with Don and Laura Chang?

17 **A. It is correct.**

18 Q. Did you do any traveling outside of Nevada  
19 with respect to your affiliation with World  
20 Financial Group other than the Anaheim trip?

21 **A. No.**

22 Q. All of your other affiliation with World  
23 Financial Group was in Nevada?

24 **A. Yes. The person I recruited was actually**  
25 **based in Florida, Miami.**

1 Q. So Mr. Lucas.

2 A. Mr. Lucas.

3 Q. Is located in Florida.

4 A. Correct.

5 Q. And so did you go to physically meet with  
6 Mr. Lucas or did you talk with Mr. Lucas over the  
7 telephone?

8 A. Oh, I met with him a couple times.

9 Q. You met with him in person?

10 A. Yes.

11 Q. So in the process of talking to Mr. Lucas,  
12 you -- and trying to -- well, strike that.

13 When you were talking to Mr. Lucas were you  
14 both trying to sell him on the idea of purchasing  
15 products and on joining World Financial Group?

16 A. Yes, sir.

17 Q. And you traveled to Florida to do that?

18 A. No, he came to Las Vegas to do that.

19 Q. So you did not travel to Florida.

20 A. I went to Florida a couple of times just to  
21 locate the World Financial Group office, because  
22 when he came to Las Vegas we explain him what was  
23 the roles and that he had to attend meeting, and the  
24 closest meeting from Miami was -- I think it's in  
25 Fort Lauderdale, if I'm not mistaken.

1 Q. So you traveled to Florida as part of your  
2 recruitment and attempt to sell to Mr. Lucas.

3 A. I would not say it was part of the  
4 recruitment, no. I traveled there for my personal  
5 needs.

6 Q. But it had nothing to do with -- but it did  
7 have to do with your association with World  
8 Financial Group, correct?

9 A. Why would it be?

10 Q. Well, I thought you testified that when you  
11 traveled to Florida it was to try and locate a World  
12 Financial --

13 A. Yes.

14 Q. -- an office occupied by those associated  
15 with World Financial Group.

16 A. It is correct. Yes, yes, yes.

17 Q. So in that regard your travel to Florida  
18 did relate to your association with World Financial  
19 Group.

20 A. That was not my prime concern, obviously,  
21 but yes, as I was employed, I would look up and see  
22 where the office is located at.

23 Q. And was that related to Mr. Thibaud?

24 A. It was related to Mr. Thibaud, yes.

25 Q. Whom you had recruited.

1           **A. Yes.**

2           Q. And whom you were trying to sell product  
3 to.

4           **A. Yes.**

5           Q. When you traveled to Florida did you pay  
6 for the flight?

7           **A. Yes, sir.**

8           Q. And were you reimbursed for that flight at  
9 all by World Financial Group?

10          **A. No, sir.**

11          Q. Or by anyone associated with World  
12 Financial Group?

13          **A. No, sir.**

14          Q. When you went to Florida did you rent a  
15 car?

16          **A. I can't recall if I rented a car on that  
17 day, but probably, yes.**

18          Q. If you -- do you recall being reimbursed  
19 for any car rental by World Financial Group?

20          **A. No, sir.**

21          Q. When you traveled to Anaheim, how did you  
22 travel?

23          **A. I took my own car.**

24          Q. Were you reimbursed for the gas associated  
25 with your travel to Anaheim?

1           **A. No, sir.**

2           Q. You paid for that yourself?

3           **A. Correct.**

4           Q. So returning back to training that you  
5 received by those who were also associated with  
6 World Financial Group in this office space that you  
7 shared, you received training about products that  
8 you could market and try to sell?

9           **A. It is correct.**

10          Q. And did you receive training generally on  
11 the idea of marketing securities and insurance?

12          **A. It is a fair statement, yes.**

13          Q. And to the extent that you were provided  
14 with that training, that's training that would have  
15 benefited you in connection with your continued  
16 association with World Financial Group?

17          **A. Yes.**

18          Q. And would have potentially benefited you  
19 outside of that relationship, had you affiliated  
20 with another organization and sought to sell  
21 securities or insurance, correct?

22          **A. No.**

23          Q. No?

24          **A. Because we were not able to sell for**  
25 **another company, we were required to sell for World**

1     **Financial Group only.**

2           Q.   The training that you received, was it  
3   specific to World Financial Group products that you  
4   could offer as an associate of World Financial  
5   Group, or did it also have to do generally with the  
6   idea of selling?

7           A.   Well, it was related to World Financial  
8   Group product, yes.

9           Q.   But you also received training on how to  
10   sell and to recruit, correct?

11          A.   It is correct, yes.

12          Q.   And those general concepts of sell and  
13   recruiting are concepts and training that could have  
14   benefited you outside of your association with World  
15   Financial Group, correct?

16          A.   It is correct.

17          Q.   In fact, you were recruiting for  
18   Abercrombie & Fitch, correct?

19          A.   Correct, but it's not the same type of  
20   recruiting.

21          Q.   Understood.

22          A.   And something I'd like to clarify as well,  
23   it's -- I forgot what I was about to say. It was  
24   not recruiting -- yes, so the meeting we had for  
25   World Financial Group, we had obviously the

1 presentation meeting where we talked about but we  
2 also had the actual vendors coming in into the  
3 office, such as World Life Insurance, TransAmerica,  
4 Lifelock, we had Lifelock too. So these people were  
5 coming to us to let us know what kind of update they  
6 had on their products.

7 Q. The -- so you were receiving training on  
8 particular products.

9 A. Correct, yes.

10 Q. That product, the training you received for  
11 products also benefited you in the sense that you  
12 may personally want to invest in some of those  
13 products, correct?

14 A. Correct.

15 Q. And it also benefited you in your ability  
16 to try and sell those products to other people,  
17 correct?

18 A. Correct.

19 Q. Was some of the training -- some of the  
20 training was, I think you just testified, relating  
21 to sales and recruitment generally, correct?

22 A. Yes.

23 Q. Could you have, if you wanted to, have  
24 taken a course outside of World Financial Group on  
25 the idea of selling?

1           **A. Yes.**

2           Q. That's the type of training you could get  
3 in a school, for example, if you wanted to have that  
4 training, correct?

5           **A. It is correct.**

6           Q. You could also get similar kind of training  
7 on selling securities, for example, correct?

8           **A. Correct.**

9           Q. The vendor products that you were trained  
10 on, the training on those vendor products, you could  
11 have used that training if, for example, you chose  
12 to become affiliated with an organization other than  
13 World Financial Group who also sold those same  
14 vendors' products, correct?

15           **A. Well, as you would be trained on the**  
16 **product, yes, because you would know the product, of**  
17 **course.**

18           Q. When you came to -- when you became  
19 associated with World Financial Group and were, as  
20 you describe it, a training associate, you didn't --  
21 as a result of your joining World Financial Group,  
22 other members of World Financial Group, those in  
23 your office, didn't leave, correct? In fact, they  
24 stayed on and supervised you and provided you with  
25 that training, correct?



1           **A. Correct, yes.**

2           Q. All right. And during the time when you  
3           were a training associate, you could not actually  
4           make a sale, right, in the sense of selling the  
5           product because you were not licensed yet, right?

6           **A. Correct.**

7           Q. So in that sense during that training  
8           period you couldn't really benefit World Financial  
9           Group or anyone else by selling a product until you  
10          became licensed.

11          **A. Well, World Financial Group would still get**  
12          **the commission out of the sale regardless of me**  
13          **being licensed or not.**

14          Q. But you couldn't sell because you weren't  
15          licensed.

16          **A. That's why we had a senior recruiter with**  
17          **us, so basically the other agent is taking over the**  
18          **sale so they can make the sale for you.**

19          Q. Right. During this period when you were  
20          training, just so I'm clear, you could not make the  
21          sale yourself.

22          **A. Correct.**

23          Q. And were you guaranteed to be licensed at  
24          the end of the period during which you were  
25          training?

1           **A. I've never been guaranteed anything.**

2           Q. There was no guarantee. In fact, you did  
3 not obtain licensing, correct?

4           **A. Correct.**

5           Q. So when you came to WFG as an associate  
6 when you signed the AMA, you didn't displace anyone,  
7 correct? In other words, your joining World  
8 Financial Group didn't result in someone leaving  
9 World Financial Group.

10          **A. Not I would be aware of, no.**

11          Q. And at some point during that period when  
12 you were training, you understood that you were not  
13 entitled to receive any hourly or salaried wages,  
14 correct?

15          **A. It's -- I learn it, yes.**

16          Q. And I think you testified earlier, you  
17 didn't understand that immediately when you started,  
18 but at some point while you were training --

19          **A. Later on.**

20          Q. -- you learned that, correct?

21          **A. Yes.**

22          Q. When you were at World Financial Group, did  
23 anyone from -- to your knowledge did anyone from  
24 corporate headquarters in Georgia travel to Nevada  
25 to provide training?

1           **A. I would not remember that.**

2           Q. You don't have a recollection of that  
3           happening, right?

4           **A. I remember having people coming that**  
5           **actually worked for World Financial Group to Las**  
6           **Vegas, Nevada to show us how an amazing company it**  
7           **could be to work for.**

8           Q. Who was that?

9           **A. I don't remember the name of the person,**  
10          **but every time we had somebody from the outside**  
11          **office coming in, they were always like higher**  
12          **position, because they can basically show that, you**  
13          **know, they made money and everything. And yeah,**  
14          **they were giving the same sales speech, like sales**  
15          **is important, yes, but recruiting is even more**  
16          **important.**

17          Q. And as you sit here do you know if those  
18          were people who were employed by World Financial  
19          Group or if those were people who were also  
20          associates but who may be high up the chain in a  
21          hierarchy from another state or another location?

22                  MR. WOLFE: Objection.

23          BY MR. BLACK:

24          Q. Do you know?

25          **A. I have no idea.**

1 Q. At any point did you apply to get your  
2 insurance license?

3 A. Yes, sir.

4 Q. You did?

5 A. Yes.

6 Q. When did you apply?

7 A. As soon as I started.

8 Q. Before undertaking any training?

9 A. Are you referring to the class I took or  
10 the actual test?

11 Q. Actual -- I'm asking you if you actually  
12 ever applied to get your license to sell insurance.

13 A. If the question is no, I never took the  
14 test. I never applied to get it.

15 Q. Never applied, okay. Did you ever apply to  
16 get registered to sell securities?

17 A. No.

18 MR. BLACK: Can we go off for just a  
19 second, Terry?

20 THE VIDEOGRAPHER: Stand by, please. And  
21 we're off the record, the time is 5:48.

22 (Recess)

23 THE VIDEOGRAPHER: And we are back on the  
24 record, the time is 6:08, you may continue.

25 BY MR. BLACK:

1 Q. Mr. Destin, it is true, correct, that you  
2 are fluent in English, both written word and spoken  
3 language?

4 A. Yes, sir.

5 Q. And you were, in fact, fluent in English,  
6 both written and spoken, at the time that you joined  
7 World Financial Group?

8 A. It is correct.

9 (Defendants' Exhibit 20 marked)

10 BY MR. BLACK:

11 Q. Mr. Destin, I want to show you what has  
12 been marked as Exhibit Number 20. Before I ask you  
13 that, to look at that document, Mr. Destin, at any  
14 point today have you had any trouble understanding  
15 my questions?

16 A. No, sir.

17 Q. Okay, great. I'm showing you this document  
18 that's been marked as Exhibit 20, and like some of  
19 the documents I've shown you, it has a label that  
20 says Exhibit J on the front. Again, that's a  
21 document that was provided to you -- provided to us  
22 by your attorneys.

23 If you look at this document, is this the  
24 welcome e-mail that you've referred to several times  
25 today?

1           **A. Yes, sir.**

2           Q. This is a document that you received from  
3 Aline, as I recall?

4           **A. It is correct.**

5           Q. And there's a date here of Tuesday,  
6 September 17th, 2013 at the top of the e-mail. Is  
7 that the date on which Aline provided it to you?

8           **A. It is correct.**

9           Q. The "to" line is blacked out. I take it  
10 this was Aline's e-mail to you forwarding the  
11 e-mail?

12          **A. Yes, it is.**

13          Q. And I just want to confirm, do you have an  
14 independent recollection of receiving this e-mail  
15 when you joined World Financial Group?

16          **A. I don't have -- I don't have the home copy  
17 of it, no, I don't.**

18          Q. You don't have a home copy, but you recall  
19 getting an e-mail when you joined World Financial  
20 Group?

21          **A. Yes. It is correct.**

22          Q. In substantially the same form as this?

23          **A. Correct.**

24          Q. With the same words as this?

25          **A. Same thing.**

1 Q. And did you read it when you received it?

2 A. Well, yes, I did -- I read it because I was  
3 looking for my agent ID number in it, yes.

4 Q. And when you received this was there any  
5 part of this that you didn't understand?

6 A. No.

7 (Defendants' Exhibit 21 marked)

8 BY MR. BLACK:

9 Q. All right. Mr. Destin, I want to show you  
10 what has been marked as Exhibit 21.

11 A. Thank you.

12 Q. Mr. Destin, do you recognize this as a copy  
13 of your sworn declaration submitted in this case?

14 A. Yes, sir.

15 Q. If you will look at the very last page of  
16 the document, do you see a signature line that reads  
17 Jordan Destin with a written signature above it?

18 A. Yes, it is.

19 Q. Is that your signature?

20 A. It is my signature.

21 Q. And this document is dated August, I  
22 believe it's August 15th of 2013 or August 5th of  
23 2013, do you see that?

24 A. Yes, sir.

25 Q. Do you recall when you signed this?

1           **A. It was in August for sure, beginning of**  
2   **August, maybe.**

3           Q. You have no doubt that this is, in fact,  
4   your declaration with your signature.

5           **A. It is mine.**

6           Q. If you will turn back to the first page of  
7   the document, I'm going to ask you some questions  
8   about it. Before I get into the substance of the  
9   document, is this the document that you indicated  
10   much earlier today for which Mr. Ambinder drafted --  
11   strike that.

12                   Is it correct that Mr. Ambinder drafted  
13   this document?

14           **A. It was sent to me by the same e-mail**  
15   **address.**

16           Q. It was sent to you by the same e-mail  
17   address that sent you the e-mail solicitation to  
18   join the lawsuit.

19           **A. No, it was sent to me by Ms. Suzanne Leeds.**

20           Q. Okay. So this declaration was sent to you  
21   by Suzanne Leeds?

22           **A. Correct.**

23           Q. Had you drafted it and sent it to her, or  
24   was the first draft of this you ever saw the one  
25   that came from Suzanne Leeds?



1 MR. WOLFE: I'm going to object to that. I  
2 think it calls for privilege and work product. Ask  
3 you not to answer that question.

4 A. I'm not going to answer that question.

5 BY MR. BLACK:

6 Q. Okay. Let me ask you this: Did you draft  
7 this?

8 A. I did not.

9 Q. But it was sent to you by Suzanne Leeds.

10 A. Yes, sir.

11 Q. Did you review it?

12 A. Yes, sir.

13 Q. Did you review it to ensure that it was 100  
14 percent accurate?

15 A. Yes, sir.

16 Q. And did you believe all the statements in  
17 it to be truthful at the time that you signed it?

18 A. Yes, sir.

19 Q. And you understood that you were signing it  
20 under penalty of perjury?

21 A. Yes, sir.

22 Q. Did you request that any changes be made to  
23 the document?

24 MR. WOLFE: Objection, calls for privilege.  
25 Don't answer the question, please.

1           **A. I'm not answering the question.**

2       BY MR. BLACK:

3           Q. Well, I asked you earlier if you drafted  
4       this and you said no, correct?

5           **A. It is correct.**

6           Q. And you reviewed it, correct, for accuracy?

7           **A. Uh-huh.**

8           Q. When you reviewed it for accuracy did you  
9       find anything that you thought to be inaccurate?

10          **A. No, it's pretty clear to me.**

11          Q. Okay. And so I take it then that you did  
12       not ask that any changes be made to the document.

13               MR. WOLFE: Objection, calls for privilege.  
14       Please don't answer the question.

15          **A. Can you ask me a different question?**

16       BY MR. BLACK:

17          Q. I can ask you a lot of different questions.  
18       My question is simply: You did not see anything  
19       inaccurate about this when you reviewed it; is that  
20       correct?

21          **A. It is correct.**

22          Q. If you would, take a look at paragraph 5 of  
23       this document. And that says, Throughout my  
24       employment I typically worked five days each week  
25       from five to six hours each day.

1           Now, when you say throughout my employment  
2   are you referring to throughout your association  
3   with World Financial Group.

4           **A. Yes, sir.**

5           Q. I asked you about the hours that you worked  
6   earlier today.

7           **A. Uh-huh.**

8           Q. My recollection was that your testimony was  
9   that toward the end of your relationship with World  
10   Financial Group you only worked about 10 hours a  
11   week, correct?

12          **A. That's correct.**

13          Q. And for a substantial period of time during  
14   which you were also employed by Abercrombie & Fitch,  
15   you were working perhaps 25 hours a week or 30 hours  
16   a week, correct?

17          **A. It is correct.**

18          Q. And so this statement, to the extent it  
19   says that throughout your association with World  
20   Financial Group you worked five days a week, five to  
21   six hours each day, that would not be true as to the  
22   end of your relationship with World Financial Group,  
23   correct?

24          **A. It is correct.**

25          MR. WOLFE: Objection, mischaracterizes the

1 language in the dec.

2 BY MR. BLACK:

3 Q. Paragraph 6 says, Although I sometimes  
4 worked more than 40 hours each week, I did not  
5 receive any overtime compensation. Do you see that?

6 A. Yes, sir.

7 Q. Between -- certainly true that in June of  
8 2011 you weren't working more than 40 hours a week,  
9 correct?

10 A. Correct.

11 Q. You weren't spending more than 40 hours on  
12 your association with World Financial Group?

13 A. It is correct.

14 Q. And between December and June when you were  
15 also employed -- when you were employed by  
16 Abercrombie & Fitch as an assistant store manager on  
17 a full-time basis, you were not working or putting  
18 in 40 hours or more a week in connection with World  
19 Financial Group, correct?

20 A. I was not putting more than 40 hours.

21 Q. And so between the time that -- and let me  
22 ask this: When you first became associated with  
23 World Financial Group, so in the September and  
24 October timeframe, when you were engaging in  
25 training, attending presentations, were you putting

1 in more than 40 hours a week at that time?

2 **A. I was putting at least four hours a day.**

3 Q. At least four hours a day?

4 **A. Right.**

5 Q. And was there ever an occasion when you  
6 were there more than five or six days a week?

7 **A. Not I can remember of, no.**

8 Q. Okay. And so at most if you were doing  
9 four hours a week during those initial couple  
10 months, that was 24 hours, 28 hours a week, correct?

11 **A. It would be close to, yeah, 28, 30 hours,**  
12 **because again I was working just for Tommy Hilfiger**  
13 **and it was like only three or four hours a week, so**  
14 **I had a lot of time that I could obviously go to the**  
15 **office and do that, yes.**

16 Q. And so I think we've covered the great  
17 majority of that nine-month period when you were  
18 associated with World Financial Group, and during  
19 none of that period did you work more than 40 hours  
20 a week. So my question is when you say here that  
21 you sometimes worked more than 40 hours each week,  
22 when was that?

23 **A. Well, it's included all of the meeting, the**  
24 **team meeting, what else, presentation.**

25 Q. Right.

1           **A. Because those could last for about two**  
2    hours, easily two hours, including as well the time  
3    spent outside of work, you know, recruiting people,  
4    going to people's houses. I was prospecting. I was  
5    still carrying my World Financial Group badge and my  
6    business card and representing the company  
7    whatsoever.

8           Q. I'm not asking what you did with your time.  
9    We've covered that earlier today.

10          **A. Right.**

11          Q. I'm asking you, when you say I sometimes  
12    worked more than 40 hours each week, in how many  
13    weeks when you were associated with World Financial  
14    Group, understanding that it didn't happen in the  
15    first couple months you were associated with World  
16    Financial Group and it didn't happen from December  
17    on, in how many weeks did you work more than 40  
18    hours a week?

19          **A. That would be until the end of December.**

20          Q. All right. So between the -- after your  
21    initial training and up to the end of December, so  
22    we're talking about a window from sometime in  
23    October --

24          **A. Four months.**

25          Q. -- to sometime in December.

1           **A. Uh-huh, correct.**

2           Q. That would be a total of maybe eight to  
3 twelve weeks of time?

4           **A. Eight --**

5           Q. From October to December?

6           **A. About 12 weeks, yeah.**

7           Q. And how many of those 12 weeks did you work  
8 40 hours or more or put in more than 40 hours in  
9 connection with World Financial Group?

10          **A. To be honest with you, I would not know.**

11          Q. Okay. In the course of your time  
12 associated with World Financial Group, you didn't at  
13 any point track the number of hours that you spent,  
14 did you?

15          **A. No.**

16          Q. And to your knowledge no one at World  
17 Financial Group, nobody in that office where you  
18 were associated tracked your hours, did they?

19          **A. I'm not sure. I don't know, to be honest**  
20 **with you.**

21          Q. In fact, in paragraph 7 of this document  
22 you mention that there was no punch clock, sign-in  
23 sheet, scanning or apparatus to record your hours,  
24 correct?

25          **A. Correct, yes.**

1 Q. And so as you sit here today, you've said  
2 in this sworn declaration that you sometimes worked  
3 more than 40 hours each week, but you can't identify  
4 any particular week in which you worked more than 40  
5 hours; is that right?

6 A. It is correct.

7 Q. As you sit here today do you know for sure  
8 that there were any weeks where you worked more than  
9 40 hours, given that you didn't track your hours?

10 A. To be honest with you, I would not be able  
11 to give you a special week or specific week or  
12 specific date for that, but I can definitely recall  
13 the time where I spent a lot of hours in the office.

14 Q. Understanding that you recall weeks when  
15 you spent a lot of time in the office, can you as  
16 you sit here today identify for me any week where  
17 you worked 40 hours or more in your association with  
18 World Financial Group?

19 A. No, I can't give you a certain week.

20 Q. You do understand, though, that you've made  
21 a sworn statement that --

22 A. Correct.

23 Q. -- sometimes worked more than 40 hours each  
24 week.

25 A. Correct.



1 Q. That's not an accurate statement then,  
2 correct?

3 MR. WOLFE: Objection.

4 A. Well, to me it is. I mean, if you get up  
5 at 7:00 a.m. and you don't get home until 1:00  
6 o'clock in the morning, yes, it is, 40 hours a week  
7 in or outside the office.

8 BY MR. BLACK:

9 Q. And, again, you can't identify for me any  
10 week in which you actually did that.

11 A. It is correct, yes, sir.

12 Q. The time that you just mentioned when you  
13 talked about working from 7:00 a.m. to some other  
14 time during the day, are you including in that time  
15 that you would have spent getting ready to go in and  
16 commuting into the office?

17 A. Yes, I'm including that time too, yes.

18 Q. If you exclude that time, can you identify  
19 any week in which you worked 40 hours?

20 A. I can't give you a specific week, no.

21 Q. In paragraph 10 of this document, you've  
22 made the statement, Associates were required to sign  
23 an agreement known as the Associate Membership  
24 Agreement to accept employment with WFG in addition  
25 to paying \$100 out of pocket.

1 Do you see that?

2 **A. Yes.**

3 Q. As you sit here today, you testified  
4 earlier that you've not spoken to any associates  
5 outside of those in the office in which you spent  
6 time about their association with World Financial  
7 Group, correct?

8 **A. Rephrase your question, please.**

9 Q. Sure. I asked you earlier today if you had  
10 any conversations with anyone -- any associate  
11 outside of this Las Vegas office where you spent  
12 time with regard to your or their association with  
13 World Financial Group, right?

14 **A. Correct.**

15 Q. And you told me that you had not.

16 **A. Uh-huh.**

17 Q. Is that accurate?

18 **A. Yes, it is accurate. But I want to specify**  
19 **something. I did not talk to any other associate at**  
20 **different offices, but I talked to associate coming**  
21 **from New York, coming from Miami, coming from Utah,**  
22 **coming from California, in our offices. So they**  
23 **were maybe relocating at different places, different**  
24 **offices throughout the country. I don't know if it**  
25 **was temporary or not for them to be in Las Vegas,**

1 but I did talk to people -- they were from outside  
2 of the Las Vegas office.

3 Q. When you talked to those people did you ask  
4 them how many hours a week they were working?

5 A. We talked about hours, yes, we did talk  
6 about it.

7 Q. You talked to people from other offices  
8 about the hours they worked in a week?

9 A. Correct.

10 Q. Who did you talk to?

11 A. I don't know their names. I mean, it's  
12 been three years, to be honest with you. But yeah,  
13 there was a young guy, he was from New York, he was  
14 from Brooklyn, and he worked for the World Financial  
15 office in New York and he went to Las Vegas, and  
16 that's when we had big team meeting and people  
17 coming from other offices, and people were  
18 mentioning that they did work for the company for a  
19 long time and they were putting hours into, you  
20 know, to the daily basis.

21 Q. They told you specifically how many hours a  
22 week they were spending?

23 A. I don't recall the specific conversation if  
24 they told me exactly how many hours, I don't know.

25 Q. And did they tell you specifically -- do

1 you remember anything specific that any of those  
2 individuals told you about their hours or what it  
3 was they were doing?

4 **A. Well, I know for a fact that they were**  
5 **representing World Financial Group, that's for sure;**  
6 **that they were either a training associate or senior**  
7 **associate. That's usually what people do, they --**  
8 **when they introduce themselves they kind of give a**  
9 **short resume of their experience, and what title**  
10 **they currently have with the company.**

11 Q. But you can't identify any of those  
12 individuals.

13 **A. I mean, if I see a picture I could show**  
14 **you, but I don't know their names.**

15 Q. When you talked to them about their hours  
16 or what they were doing did you record any of that,  
17 either in notes or electronically?

18 **A. No, sir.**

19 Q. This statement in paragraph 10 that  
20 associates were required to sign an agreement known  
21 as the Associate Membership Agreement, that's true  
22 for you, correct?

23 **A. Yes, sir.**

24 Q. As you sit here today how do you know  
25 whether that is, in fact, true for other associates?

1 Or are you speculating?

2 **A. I'm not speculating. The truth is you**  
3 **cannot work for World Financial Group until you sign**  
4 **that agreement and you pay that \$100 fee.**

5 Q. You used the term associates very broadly  
6 here. Are you using that to refer to every  
7 associate of World Financial Group nationwide?

8 **A. I could say employees, if it sounds better.**

9 Q. I'm asking, you used the term that's in  
10 this document, the term that you used in your  
11 declaration.

12 **A. Yes, sir.**

13 Q. And my question is: When you say  
14 associates, are you referring to all associates,  
15 everyone associated with World Financial Group  
16 nationwide?

17 **A. To the best of my knowledge I would refer**  
18 **to associate nationwide, yes, representing World**  
19 **Financial.**

20 Q. And what is the source of your knowledge  
21 that every associate nationwide had a signed AMA?

22 **A. Well, they were representing the company as**  
23 **much as I was, you had to sign the AMA agreement.**

24 Q. I didn't ask you if, I asked you what is  
25 the source of your knowledge. What personal

1 knowledge do you have that every associate  
2 associated with World Financial Group nationwide  
3 signed an AMA?

4 **A. I don't know, I haven't talked to everybody**  
5 **nationwide.**

6 Q. You haven't, and you don't have personal  
7 knowledge of what happened nationwide, correct?

8 **A. I don't have personal knowledge of what**  
9 **happened nationwide, correct.**

10 Q. In paragraph 11 you say, As associates our  
11 primary job duties consisted of making cold calls  
12 for the purpose of soliciting sales of financial  
13 products.

14 Again, you don't have knowledge, personal  
15 knowledge, of what happened with associates  
16 nationwide, correct?

17 **A. It is correct, sir.**

18 Q. In paragraph 12 you say, My supervisor  
19 frequently critiqued my work and exercised  
20 substantial oversight, do you see that?

21 **A. Yes, sir.**

22 Q. Are those your words?

23 **A. Those are not my words.**

24 Q. And what supervisor are you referring to?

25 **A. Mr. Christian.**

1 Q. And in what way did Christian critique your  
2 work?

3 A. Well, pointing me out, you know, whenever  
4 we had a team meeting he would tell everybody the  
5 reason why I didn't do good or why I'm not reaching  
6 my goal or what's the next goal to reach, and that  
7 would come along with if I was missing one of -- or  
8 two or three team meeting or whatever meeting we had  
9 going on, and if I was not showing up then he would  
10 obviously criticize that too, because his goal was  
11 to have everybody licensed and to have all the  
12 people basically recruited. So --

13 Q. And we talked about Christian earlier. You  
14 don't know of any information to suggest that  
15 Christian was employed by World Financial Group,  
16 correct?

17 A. Well, I mean, to me it came as he was part  
18 of World Financial Group.

19 Q. He was, like you, someone who signed an AMA  
20 and was higher than you in the hierarchy, correct?

21 A. Yes, sir.

22 Q. And no one from World Financial Group  
23 corporate critiqued your work, either in person or  
24 in a mobile way, either over the telephone or e-mail  
25 or otherwise, correct?

1           **A. Correct.**

2           Q. And no one from World Financial Group  
3 corporate or employed by World Financial Group  
4 exercised substantial oversight over your work too,  
5 right?

6           MR. WOLFE: Objection.

7           **A. No.**

8           Q. If you look at paragraph 15, you say, While  
9 working for WFG, associates were not paid any  
10 compensation for the hundreds of hours we worked.

11           And again, just to be clear, you don't have  
12 personal knowledge of how associates other than  
13 yourself were compensated, correct?

14           **A. Well, I have personal knowledge of people I**  
15 **talked to that did share their experiences with me.**

16           Q. Who did you talk to?

17           **A. Jennifer, new recruits. I can recall two**  
18 **recruits, two new recruits actually that were**  
19 **recruited by Jennifer when I worked there.**

20           Q. These were recruits in Las Vegas.

21           **A. Yes, correct.**

22           Q. You don't have any personal knowledge of  
23 how any associates outside of Las Vegas were  
24 compensated, correct?

25           **A. I would not know.**



1           Q. Nor do you have any knowledge of the number  
2 of hours that associates put in in connection with  
3 their affiliation with World Financial Group outside  
4 of Las Vegas.

5           **A. That's correct.**

6           Q. In fact, you don't have personal knowledge  
7 of precisely how many hours associates who were  
8 located in Las Vegas worked, because not only were  
9 you not tracking your hours but you weren't tracking  
10 theirs either, correct?

11          **A. But you can tell who's coming in and who's**  
12 **leaving, right.**

13          Q. But you don't have any personal knowledge  
14 of how many hours they precisely worked, do you?

15          **A. I agree with you, I don't.**

16          Q. If you take a look at paragraph 17, you  
17 say, I know that WFG treated other workers in a  
18 similar manner to me in part because associates  
19 reporting to the Las Vegas office discussed these  
20 circumstances among ourselves. Do you see that?

21          **A. Yes, sir.**

22          Q. And again, your statement in 17 pertains  
23 only to associates in Las Vegas, correct?

24          **A. Correct.**

25          Q. You don't have any personal knowledge as

1 you sit here of how WFG quote treated other workers  
2 outside of Las Vegas, correct?

3 A. Correct.

4 Q. And the individuals who you discussed the  
5 circumstances with in Las Vegas were Jennifer --

6 A. Jennifer.

7 Q. Anyone else?

8 A. Yeah, two new people.

9 Q. Two new people.

10 A. Yeah, trainee associates. I think they  
11 were a part of her team, actually. They were, I  
12 mean, like in their 20s, trying to work out, you  
13 know, they just got to Las Vegas so they were trying  
14 to work to get money.

15 Q. And when you talk about the treatment,  
16 you're talking about the idea that if you were not  
17 licensed you would not earn a commission, correct?

18 A. No. The idea is it's not about being  
19 licensed or not, it's about being required to show  
20 up at work and to follow a certain schedule, to  
21 follow a certain track, to follow a technique. That  
22 is provided by World Financial Group, it is. And  
23 that's what I refer to. So these people did not  
24 understand why they had to keep working and keep  
25 doing that job if they were not basically getting

1     **paid.**

2           Q.   And we talked earlier about having to  
3   attend mandatory meetings.

4           **A.   Correct.**

5           Q.   Having to work a certain schedule.

6           **A.   Correct.**

7           Q.   Having to undertake a certain technique.

8           **A.   (Nods head affirmatively.)**

9           Q.   These were all things that were dictated to  
10   you by individuals in Las Vegas who were higher than  
11   you in your hierarchy, correct?  Or individuals in  
12   Anaheim who were higher than you in your hierarchy,  
13   correct?

14           MR. WOLFE:  Objection.

15           **A.   And also coming along the documents that**  
16   **were provided to me by World Financial Group, such**  
17   **as the different groups manual, that you were able**  
18   **to take a look at it where they typically explained**  
19   **the pyramid, the way it works.  Even on the World**  
20   **Financial Group website you have that same pyramid,**  
21   **tells you how it works, how you can recruit people.**  
22   **So it's not only the people in my team, it is**  
23   **definitely the World Financial Group along with the**  
24   **people in my team.**

25           Q.   Who from World Financial Group -- and when

1 I say that I mean corporate, okay -- who from World  
2 Financial Group corporate ever told you that you had  
3 to attend mandatory meetings, work a certain  
4 schedule or engage in a certain technique?

5 **A. I don't have -- I don't have an answer to**  
6 **your question. I just don't know anybody I had**  
7 **contact with.**

8 Q. None of them did, correct?

9 **A. From World Financial Group corporate?**

10 Q. Yes.

11 **A. No.**

12 Q. And the books that you purchased, those  
13 provided recommendations to you on how you might  
14 build your business, correct?

15 **A. Well, it shows you how you can build a**  
16 **better business for World Financial Group, that is**  
17 **correct.**

18 Q. And it made recommendations to you on how  
19 you might sell and recruit to create the team that  
20 you talked about earlier wanting to build, correct?

21 **A. It is correct.**

22 Q. The team that you wanted to build because  
23 if you built it and became licensed, you could make  
24 money through commissions and overrides, correct?

25 **A. And that same team that obviously benefit**

1     **World Financial Group, correct, yes.**

2           Q. My question is: No one associated with  
3     World Financial Group at the corporate level, right,  
4     I'm talking about people actually employed by World  
5     Financial Group, ever dictated to you that you had  
6     to work a certain number of hours, attend certain  
7     meetings or engage in particular techniques without  
8     your ability to change that, correct?

9           **A. Correct.**

10           MR. WOLFE: Objection.

11     BY MR. BLACK:

12           Q. And then, finally, paragraph 19, the last  
13     line of paragraph 19 says, I anticipate that other  
14     current and former employees of the company will  
15     join this litigation if they are given notice of it  
16     and an opportunity to join. Do you see that?

17           **A. Yes, sir.**

18           Q. How do you know that?

19           **A. How do I know what?**

20           Q. How do you know that that statement is  
21     true; that other current and former employees of the  
22     company will join this litigation if they are given  
23     notice of it and an opportunity to join?

24           MR. WOLFE: Objection.

25           **A. I'm anticipating.**

1 BY MR. BLACK:

2 Q. You're speculating, correct?

3 A. Anticipating, that would be the right word.

4 As it states right here, I anticipate that all the  
5 current and former employees of the company will  
6 join this litigation, if they are given notice of it  
7 and an opportunity to join.

8 So to me my understanding is if people --  
9 people are free to do whatever they want. If they  
10 want to join, fine. If they don't want to, that's  
11 fine. But my goal is if they're aware of it and if  
12 they're in the same situation, of course, go for it.

13 Q. You testified earlier that you've not  
14 spoken to any associate of World Financial Group  
15 about this lawsuit, correct?

16 A. Correct.

17 Q. And as such, what knowledge do you have  
18 that anyone else wants to join this lawsuit?

19 A. I mean, people could be interested in  
20 joining the lawsuit even if it doesn't come directly  
21 from me, because like I said, I'm not disclosing  
22 anything about the particular case.

23 Q. I'm not asking you to speculate whether  
24 people might. I'm asking you as you sit here today  
25 what personal knowledge do you have that anyone else

1 who was associated with World Financial Group wants  
2 to join this lawsuit?

3 **A. Can you reformulate your question?**

4 Q. I'll repeat the question.

5 **A. Yes.**

6 Q. Which is, as you sit here today --

7 **A. Correct.**

8 Q. What personal knowledge do you have that  
9 any particular individual or anyone at all who is  
10 associated with World Financial Group wants to join  
11 this lawsuit?

12 **A. I don't know if they want to join the**  
13 **lawsuit.**

14 Q. You don't know anyone who wants to join the  
15 lawsuit, do you?

16 **A. I don't know everybody, correct, so I don't**  
17 **know anybody.**

18 Q. Okay. Let's go off for a second.

19 THE VIDEOGRAPHER: And we are off the  
20 record, the time is 6:36, this is the end of Tape 3.

21 (Recess)

22 THE VIDEOGRAPHER: And we are back on the  
23 record, the time is 6:38, this is the beginning of  
24 Tape 4 of the videotaped deposition of Jordan  
25 Destin. You may continue, sir.

1 MR. BLACK: Mr. Destin, thank you for your  
2 time today.

3 A. No problem.

4 MR. BLACK: That is all the questions that  
5 I have for you for right now.

6 THE WITNESS: It was a pleasure, thank you.

7 MR. BLACK: Thank you.

8 MR. WOLFE: I apologize in advance, I do  
9 have a little bit of redirect for you.

10 EXAMINATION

11 BY MR. WOLFE:

12 Q. Jordan, do you still have the AMA in front  
13 of you? It's Exhibit 13.

14 A. Yes, I do.

15 Q. Okay. Would you turn to the second page of  
16 it? It's -- the little Bates number at the bottom  
17 is 001504.

18 A. Yes.

19 Q. Now, Mr. Black asked you, in reference to  
20 your declaration, he asked you if you had any  
21 knowledge that all associates were required to sign  
22 the AMA, and I think you said you had no knowledge  
23 or no personal knowledge of that, do you remember  
24 that?

25 A. Yes.



1 Q. All right. Look at -- and this is a copy  
2 of the AMA that you signed; is that correct?

3 A. Yes, it is.

4 Q. All right. Look at the -- do you see the  
5 words in the big box at the bottom? I'll just read  
6 them aloud. It says, Be sure to complete all  
7 sections of this AMA and provide documentation if  
8 required. Do you see that direction?

9 A. Yes, sir.

10 Q. All right. And do you see right above in  
11 the black box above the World Financial Group title,  
12 it says, All applicants/associates must send all  
13 required documents to World Financial Group?

14 A. Yes, sir.

15 Q. All right. As you see that, does that give  
16 you some basis for believing that all associates  
17 were required to sign the Associate Membership  
18 Agreement?

19 A. Yes, sir.

20 Q. And was it your understanding --

21 MR. BLACK: Before you go on, I'm going to  
22 object to the question, the prior question.

23 MR. WOLFE: Okay.

24 BY MR. WOLFE:

25 Q. Was it your understanding that this was

1 the -- this agreement controlled your relationship  
2 with World Financial Group?

3 MR. BLACK: Objection.

4 **A. My answer is yes.**

5 BY MR. WOLFE:

6 Q. Okay. When you recruited Thibaud Lucas,  
7 did he enter into a contract with you or with World  
8 Financial Group?

9 **A. It was the World Financial Group.**

10 Q. Did he sign an Associate Membership  
11 Agreement that was just like yours except for the  
12 fact that his name was different?

13 **A. It is.**

14 MR. BLACK: Objection.

15 BY MR. WOLFE:

16 Q. Now, Mr. Black also asked you -- you can  
17 put that exhibit away, thank you -- Mr. Black asked  
18 you questions about the number of hours you worked  
19 and asked you to identify which particular weeks you  
20 may have worked over 40 hours. And he was asking  
21 you about the time period during which you worked  
22 for World Financial Group. Would you just remind me  
23 what that time period was?

24 **A. That I worked for World Financial Group,**  
25 **between September 2010 up to June 2011.**

1 Q. And you were asked if you could identify  
2 any particular weeks during which you worked more  
3 than 40 hours, and you said you could not.

4 MR. BLACK: Objection.

5 A. That's correct.

6 BY MR. WOLFE:

7 Q. Can you remember any particular weeks in  
8 the fall or winter of 2010 when you wore a white  
9 shirt?

10 A. When I wore a white shirt?

11 Q. Yeah. Can you say as you sit here now  
12 thinking back any particular exact week when you  
13 wore a white shirt three years ago?

14 A. I -- no, I could not remember the exact day  
15 I did that.

16 Q. Okay. Does the fact that you can't  
17 remember an exact day or week when you wore a white  
18 shirt three years ago mean that you never wore a  
19 white shirt three years ago?

20 A. Well, it is a fair statement.

21 Q. Let me ask you the question again. Does  
22 the fact that you can't remember a specific week  
23 when you wore a white shirt mean that you never wore  
24 a white shirt?

25 A. No.

1 Q. Okay. Do you know, from any of your  
2 conversations with the associates from the other  
3 offices that you mentioned, do you know of any of  
4 them who had not signed an Associate Membership  
5 Agreement?

6 A. No.

7 Q. All right. Now, you were asked a number of  
8 questions about discovery responses being served  
9 late and objections being waived. You were asked  
10 about Michael Cohen withdrawing as the lead  
11 plaintiff. You were shown a copy of the court's  
12 order making various findings about the conduct of  
13 the New York lawyers in this case.

14 Do you remember being shown and told about  
15 all that?

16 MR. BLACK: Objection.

17 A. I remember being shown that.

18 BY MR. WOLFE:

19 Q. All right. Did anything that you heard or  
20 saw in this deposition change your mind about  
21 wanting to be the lead plaintiff in this lawsuit?

22 A. No.

23 Q. Did anything that you heard or saw today  
24 change your faith and confidence in the attorneys  
25 who represent you?

1           **A.   No.**

2                   MR. WOLFE:   Nothing more.

3                   MR. BLACK:   I have nothing else.

4                   MR. WOLFE:   Okay.

5                   THE VIDEOGRAPHER:   Stand by, please.

6                   This concludes this videotaped deposition  
7   of Jordan Destin.   The time is 6:44, we're off the  
8   record.

9                   (Deposition concluded at 6:44 p.m.)

10                  (Signature reserved)

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CERTIFICATE

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STATE OF GEORGIA:

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COUNTY OF FULTON:

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12

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions, and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given upon said proceeding.

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I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

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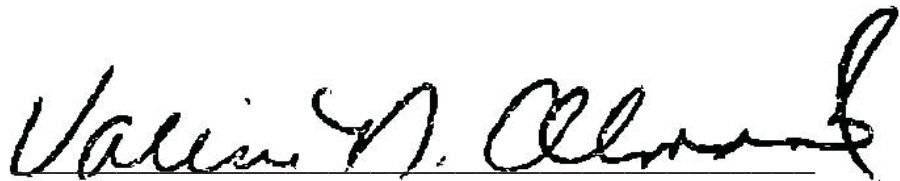
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This the 23rd day of October 2013.

A handwritten signature in black ink, appearing to read "Valerie N. Almand", is written over a horizontal line.

VALERIE N. ALMAND, RPR, CRR, CSR-B-531

VIA EMAIL

Date: 10/23/2013

To: Steven Wolfe

Re: Signature of Deponent Jordan Destin

Greetings:

The deponent has reserved the right to read and sign. Please have the deponent review the attached .pdf transcript, noting any changes or corrections on the attached .pdf Errata. The deponent may fill out the Errata electronically or print and fill out manually.

Once the Errata is signed by the deponent and notarized, please mail it to the offices of Tiffany Alley (below).

When the signed Errata is returned to us, we will seal and forward to the taking attorney to file with the original transcript. We will also send copies of the Errata to all ordering parties.

If the signed Errata is not returned within the time below, the original transcript may be filed with the court without the signature of the deponent.

Date Errata due back at our offices: 11/23/2013

Please send completed Errata to:  
Tiffany Alley Reporting & Video  
3348 Peachtree Rd NE, Tower 200, Ste 700  
Atlanta, Georgia 30326  
(770) 343-9696

## ERRATA

JOB NUMBER: 53839

I, the undersigned, do hereby certify that I have read the transcript of my testimony, and that

☐ There are no changes noted.

☐ The following changes are noted:

Pursuant to Rule 30(7)(e) of the Federal Rules of Civil Procedure and/or OCGA 9-11-30(e), any changes in form or substance which you desire to make to your testimony shall be entered upon the deposition with a statement of the reasons given for making them. To assist you in making any such corrections, please use the form below. If additional pages are necessary, please furnish same and attach.

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\_\_\_\_\_  
DEPONENT'S SIGNATURE

Sworn to and subscribed before me this \_\_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



## DISCLOSURE

Pursuant to Article 10(b) of the Rules and Regulations of the Georgia Board of Court Reporting, Tiffany Alley Reporting & Video makes the following disclosure:

The reporter for this proceeding is not disqualified for a relationship of interest under the provisions of OCGA 9-11-28(c). The reporter for this proceeding is a Georgia Certified Reporter, here as a representative of Tiffany Alley Reporting & Video to report this matter.

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Cohen vs. World Financial Group

Jordan Destin

10/08/2013

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